DOCUMENT RESUME

ED 480 473 HE 036 190

TITLE	Report of the Panel To Review Sexual Misconduct Allegations at the U.S. Air Force Academy.
INSTITUTION	Department of Defense, Washington, DC.
PUB DATE	2003-09-22
NOTE	129p.
AVAILABLE FROM	For full text: http://www.usafa.af.mil/d20030922usafareport1.pdf.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	EDRS Price MF01/PC06 Plus Postage.
DESCRIPTORS	*College Students; Higher Education; *Military Schools; Military Training; *Sex Discrimination; *Sexual Abuse
IDENTIFIERS	*Air Force Academy CO

ABSTRACT

This report is the result of the first investigation by an independent body of a problem that has plagued the U.S. Air Force Academy for at least a decade, and possibly since the admission of women in 1976. At the direction of Congress, the Secretary of Defense appointed seven U.S. citizens with expertise in the military academies, behavioral and psychological sciences, and standards and practices related to proper treatment of sexual assault victims. It is clear from the review of nearly a decade of efforts to solve the problem of sexual assault at the U.S. Air Force Academy that the common failure in each of the efforts was the absence of sustained attention to the problem and follow-up on the effectiveness of the solution. Between 1993 and 2002, there were 142 allegations of sexual assault at the Academy, an average of more than 14 allegations each year. In addition, a survey in May 2003 showed that 80.8% of females who said that they had been victims of sexual assault did not report the incident. Information from a variety of sources shows that the responses of Academy and Air Force leadership have been inconsistent and have lacked a long-term plan to address the institutional culture that does not condemn sexual harassment or assault sufficiently. Another recent indicator of the problem is that one in five male cadets responding to a survey did not believe that women belong at the Academy. A new leadership team that took office in April 2003 has begun implementing changes in the Academy's institutional culture, military training, living environment, and sexual assault reporting processes. Sections of the report are: (1) "Executive Summary"; (2) "Introduction"; (3) "Awareness and Accountability"; (4) "Command Supervision and Oversight of the Academy"; (5) "Organizational Culture and Character Development"; (6) "Intervention and Response to Sexual Assault"; (7) "Recommendations"; (8) "Conclusion"; and (9) "Appendixes." The report contains 10 appendixes with supplemental information, including survey responses. (SLD)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 480 473

Report of The Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy

September 2003

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

HE036190

BEST COPY AVAILABLE

Report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy

SEPTEMBER 22, 2003

Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy

AN OPEN LETTER FROM THE CHAIRMAN

September 22, 2003

This report is the result of the first investigation by an independent body of a problem that has plagued the U.S. Air Force Academy for at least a decade and quite possibly since the admission of women in 1976. At the direction of Congress, the Secretary of Defense appointed seven private U.S. citizens with expertise in the United States military academies, behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims.

Based on the fact that these were the qualifications for the Panel members, we understood our charge was to undertake an investigation and to make recommendations with a single priority in mind: the safety and well-being of the women at the U.S. Air Force Academy. From our first meeting, I have been impressed with the manner in which each member of the Panel has approached this difficult and complicated matter with a single-minded determination to understand the plights of the victims in order to find a solution – a solution that puts the victims first, either by preventing sexual assaults or by providing victims recourse to a process and procedures that will support the victim and prosecute the assailant.

I want to thank my fellow Panel members who volunteered and devoted their time and energies to this solemn task. Each one of them contributed in a unique manner, and this final report is a testament to both their talents and their ability to work with the other members of the Panel toward a common set of observations and recommendations. This has truly been a case of the whole being greater than the sum of its parts.

This report, however, represents more than the hard work and dedication of the seven members of the Panel. We could not have completed this task in the time allotted without the incredible effort of our talented staff. Like the Panel members, these are people who took time away from their regular professional responsibilities to devote their talents and energies to finding a solution to a problem that has plagued the Academy for too long. On behalf of the Panel, I want to offer them my deepest gratitude and sincerest thanks for a job well done.

While I believe that the recommendations contained in this report are the beginning of the solution to the problem of sexual assault at the U.S. Air Force Academy, they are just that: a beginning. It is clear from our review of nearly a decade of efforts to solve this problem that the common failure in each of those efforts was the absence of sustained attention to the problem and follow-up on the effectiveness of the solution. Whatever steps are taken by the Academy, the Air Force, the Department of Defense or the Congress as a result of this report, it is absolutely critical that those actions be reviewed sometime after their implementation by those in a position to objectively evaluate their effectiveness. The women of the U.S. Air Force Academy deserve no less.

Sincerely,

Tillie K. Fowler

Tillie K. Fowler
Chairman

BEST COPY AVAILABLE

Panel to Review Sexual Misconduct Allegations
at the U.S. Air Force Academy
1235 Jefferson Davis Highway, Suite 940
Arlington, Virginia 22202

To the Senate Armed Services Committee
To the House Armed Services Committee
To the Secretary of Defense

We, the appointed members of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy, do hereby submit the results of our findings and offer our best recommendations to improve the policies, procedures, and climate at the Academy.

Tillie K. Fowler
The Honorable Tillie K. Fowler, Chair
Member of Congress, 1993-2001
Holland & Knight LLP

Josiah Bunting III
Superintendent Emeritus
Virginia Military Institute

Michael J. Nardotti, Jr.
Michael J. Nardotti, Jr.
Major General, U.S. Army Retired
The Judge Advocate General, 1993 - 1997
Patton Boggs LLP

Anita M. Carpenter
INCASA Sexual Assault
Victim Advocate

John W. Ripley
John W. Ripley
Colonel, U.S. Marine Corps, Retired

Laura L. Miller
Laura L. Miller, Ph.D.
Social Scientist, RAND Corporation

Sally Satel
Sally L. Satel, M.D.
American Enterprise Institute

BEST COPY AVAILABLE

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY 1
II. INTRODUCTION 9
III. AWARENESS AND ACCOUNTABILITY 13
  A. Chronology of Events (1993–2003) 14
  B. Accountability 36
    1. Air Force Headquarters Leadership 37
    2. Academy Leadership 38
    3. Recommendation 41
IV. COMMAND SUPERVISION AND OVERSIGHT OF THE ACADEMY 43
  A. Command Supervision of the Academy 43
  B. External Oversight – The Board of Visitors 46
  C. External Oversight – Congress 50
  D. External Oversight – The Inspector General 51
V. ORGANIZATIONAL CULTURE AND CHARACTER DEVELOPMENT 55
  A. Gender Climate 55
    1. Statistical Representation 55
    2. Climate Assessment Tools 57
    3. Gender Bias 58
    4. Dormitory Safety and Security 59
      a. Supervision 60
      b. Alcohol Consumption and Policies 61
      c. Telephone Access 61
  B. Character Development 62
    1. Honor Code 62
    2. Center for Character Development 65
  C. Cadet Training 68
    1. Fourth-Class System 68
    2. Prevention & Awareness Training 72
VI. INTERVENTION AND RESPONSE TO SEXUAL ASSAULT 75
  A. Encouraging Reporting 75
    1. Sexual Assault Reporting System: Confidentiality 75
    2. Other Avenues of Sexual Assault Reporting: The CASIE Program 82
      a. Mental Health Services 83
      b. Sexual Assault Programs at Other Service Academies 84
    3. Policy to Encourage Reporting: "Amnesty" 88
  B. Response to Allegations of Sexual Assault 92
    1. Academy Response Team 92
    2. Law Enforcement Response 95
    3. Rape Kit Exams 99
VII. RECOMMENDATIONS 101
VIII. CONCLUSION 107
IX. APPENDICES 109

INDEX OF APPENDICES

A. Legislation Creating the Panel (Pub. L. No. 108-11, 117 Stat. 559 (2003))

B. Glossary of Acronyms

C. Biographies of the Panel Members

D. List of the Panel Staff

E. Organizational chart showing the Academy Leadership and their positions at the Academy prior to the *Agenda for Change*

F. Names and positions of individuals discussed in this Report

G. Graphic representation of the number of allegations of sexual assault made by Academy cadets each year from 1993–2002

H. Air Force Secretaries and Chiefs of Staff, and Academy Superintendents and Commandants of Cadets, from 1993–2003

I. Charts showing male and female cadets' responses to Academy climate survey questions

J. Graphic representation of the timeline of significant events (1993 – 2003)

I. EXECUTIVE SUMMARY

The United States Air Force Academy is an institution with a proud tradition of service to our nation. The Academy is responsible for the education and training of future officers who will lead our military forces. The Academy's mission is to "inspire and develop young men and women to become Air Force officers with knowledge, character and discipline; motivated to lead the world's greatest aerospace-force in service to the nation". This national interest requires the Academy and its governing leaders to be held to the highest of standards.

The first class of women cadets arrived at the Academy 27 years ago and helped to begin an era of men and women standing together to defend our nation and its freedom. Today, women comprise about one-fifth of our Armed Forces, and their admirable performance and dedication allows our nation to maintain an all-volunteer force.

Sadly, this Panel found a chasm in leadership during the most critical time in the Academy's history — a chasm which extended far beyond its campus in Colorado Springs. It is the Panel's belief that this helped create an environment in which sexual assault became a part of life at the Academy.

The Air Force has known for many years that sexual assault was a serious problem at the Academy. Despite that knowledge and periodic attempts at intervention, the problem has continued to plague the Academy to this day. The regular turnover of Air Force and Academy leadership, together with inconsistent command supervision and a lack of meaningful and effective external oversight, undermined efforts to alter the culture of the Academy. During the ten-year period from January 1, 1993 through December 31, 2002, there were 142 allegations of sexual assault at the Academy, for an average of more than 14 allegations per year. Academy and Air Force leaders knew or should have known that this data was an unmistakable warning sign and quite possibly signaled an even larger crisis.

For example, a February 14, 1997 presentation by the Academy to the Air Force Inspector General ("Air Force IG"), Air Force Surgeon General and the Judge Advocate General of the Air Force acknowledged that statistically, as few as one in ten rapes is reported to authorities. Recently, the Department of Defense Inspector General ("DoD IG") disclosed that a May 2003 survey of Academy cadets showed that 80.8% of females who said they have been victims of sexual assault at the Academy did not report the incident.

Over the past decade, the Academy and Air Force leadership had increasing cause for alarm, and should have aggressively changed the culture that allowed abuses to occur. Unfortunately, Academy leadership acted inconsistently and without a long-term plan. As a result, female cadets entrusted to the Academy have suffered, sexual offenders may have been commissioned as Air Force officers and the reputation of a fine institution has been tarnished.

The sexual assault problems at the Academy are real and continue to this day. According to the May 2003 DoD IG survey of female cadets (Classes 2003–2006), 18.8% reported they have been victims of at least one instance of sexual assault or attempted sexual assault in their time at the Academy. Included in this number are 7.4% of female cadets who said they were victims of at least one rape or attempted rape while at the Academy.

Other recent indicators of problems in the institutional culture are found in the Academy's own survey data, which showed that one in five responding male cadets do not believe that women belong at the Academy. Clearly, the Academy's gender climate has changed little in the past ten years.

Recent widespread media attention caused the Air Force to address the problem of sexual assault at the Academy. In March 2003, Air Force Secretary James G. Roche and Air Force Chief of Staff General John P. Jumper announced a series of directives and policy improvements at the Academy known as the *Agenda for Change*. The new policy corrects many of the conditions contributing to an environment that tolerates sexual misconduct. However, the *Agenda for Change* is only a blueprint, and should be viewed as the initial step in reversing years of institutional ineffectiveness.

In April 2003, Secretary Roche made a step towards serious reform when he replaced the Academy's leadership with a new leadership team comprised of Lieutenant General John W. Rosa, Superintendent; Brigadier General Johnny A. Weida, Commandant of Cadets; and Colonel Debra D. Gray, Vice Commandant of Cadets. Subsequently, General Rosa and his staff have begun implementing changes in the Academy's institutional culture, military training, living environment and sexual assault reporting processes.

The *Agenda for Change* is evidence that the Air Force, under Secretary Roche's leadership, is serious about taking long-overdue steps to correct the problems at the Academy, but in certain respects it does not go far enough to institutionalize permanent change. The most important of these shortcomings are:

- **Culture and Climate of the Academy.** The *Agenda for Change* recognizes that the sexual assault problems at the Academy are related to the culture of the institution, yet it does not go far enough to institute enduring changes in the culture and gender climate at the Academy.
- **Command Supervision.** The *Agenda for Change* does not address the need for permanent, consistent oversight by Air Force Headquarters leadership.
- **External Oversight.** The *Agenda for Change* does not address the need to improve the external oversight provided by the Academy's Board of Visitors.
- **Confidentiality Policy.** The *Agenda for Change* effectively eliminates the Academy's confidential reporting policy for sexual misconduct. In doing so, however, it removes critical options for sexual assault victims to receive confidential counseling and treatment, and may result in the unintended consequence of reducing sexual assault reporting.

The *Agenda for Change* provides several positive changes to the Academy's institutional culture, living environment, and education and training programs. These measures include establishing policies and procedures for: improving the selection and training of Air Officers Commanding to ensure highly-qualified role models and leadership for male and female cadets; promulgating new rules and procedures to maintain dormitory safety and security; setting clearer mandates for cadets to conduct themselves according to the spirit of the Honor Code; requiring academic courses in leadership and character development as part of the core academic curriculum; and improving Basic Cadet Training to reemphasize fair treatment and mutual respect.

The Panel understands that recently implemented policy changes represent significant progress, but concluded that they do not go far enough to institute enduring changes in the institutional culture and gender climate at the Academy.

As far as the Academy's response today to sexual assaults, the *Agenda for Change* established several progressive changes to ensure the Academy is proactive and meaningful when responding. The most noteworthy of these changes is the establishment of an Academy Response Team ("ART") which provides a victim of sexual assault immediate assistance and ensures appropriate command actions. The Panel conducted an extensive review of the ART and is impressed that it presents a significant step toward achieving a consistent, appropriate response to reports of sexual assault, and to restoring trust and confidence in the Academy's handling of them. The Panel is confident that the ART has the necessary foundations to endure beyond the short-term implementation of the *Agenda for Change* and will be available to future generations of cadets.

The Panel is also encouraged that, while not required by the *Agenda for Change*, the Air Force Office of Special Investigations ("AFOSI") has taken the initiative to develop advanced training in sexual assault investigations which shall be provided to its Academy agents.

The Panel is concerned that the *Agenda for Change* essentially eliminates the Academy's confidential reporting policy for sexual misconduct, which removes critical options for sexual assault victims to receive confidential counseling and treatment. Additionally, the Panel believes the new policy overlooks an established form of privileged communication, the psychotherapist-patient privilege, and may have the unintended consequence of reducing sexual assault reporting.

The Panel also reviewed the *Agenda for Change* provision that essentially provides for blanket amnesty to victims of sexual assault. This could have the unintended consequence of creating the misperception that amnesty has been used as a sword, rather than as a shield, by some cadets to avoid accountability for their own misconduct.

In June 2003, after completing her investigation of sexual assault at the Academy, Air Force General Counsel Mary L. Walker released *The Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy* (*"Working Group Report"*). The *Working Group Report* covers many aspects of cadet life, Academy policies and sexual assault reporting procedures in place at the Academy during the last ten years. However, it avoids any reference to the responsibility of Air Force Headquarters for the failure of leadership which occurred at the Academy.

Any credible assessment of sexual misconduct problems over the last ten years must include an examination of the responsibility of both Academy and Air Force Headquarters leadership. The *Working Group Report* failed to do that even though the Air Force General Counsel had access to considerably more information, resources and time for study than did the Panel. The Panel believes that the Air Force General Counsel attempted to shield Air Force Headquarters from public criticism by focusing exclusively on events at the Academy.

The matters listed below are among those known to the members and staff of the Working Group, but not included or only obliquely referenced in its report:

- Since at least 1993, the highest levels of Air Force leadership have known of serious sexual misconduct problems at the Academy;

- Air Force Headquarters knew that over the objections of the AFOSI the Academy maintained unique confidential reporting procedures for sexual assaults deviating from the procedures of the Air Force. Air Force Headquarters failed to monitor how the procedures affected the ability to investigate and prosecute sexual assault offenders;

- In 1996, the Air Force Surgeon General notified the Air Force Chief of Staff of serious sexual misconduct at the Academy, but there is no evidence that the Air Force fully investigated the matter. The Office of the Air Force Surgeon General participated in the General Counsel's Working Group, but the *Working Group Report* omits any reference to this apparently unheeded warning;

- In 1996-1997, a team of lawyers at Air Force Headquarters recommended changes in the Academy's sexual assault reporting procedures. The Academy rejected the changes, and Air Force Headquarters deferred, but failed to monitor whether the procedures were working;

- In 2000–2001, after AFOSI again complained that the Academy's unique sexual assault reporting procedures interfered with its ability to investigate sexual assaults, Air Force Headquarters formed another team to review the procedures. After the Academy and AFOSI reached an agreement to resolve their competing concerns, Air Force Headquarters failed to monitor whether it was ever implemented;

- The 2000-2001 working group was chaired by the Air Force's Deputy General Counsel (National Security & Military Affairs). Three years later, that same attorney led the 2003 Working Group. Nevertheless, the *Working Group Report* makes only a brief reference to the earlier review and fails to disclose the lead attorney's substantial involvement; and

- In 2000, the Senate Armed Services Committee requested an investigation of allegations by the former Air Force Surgeon General that sexual misconduct at the Academy in 1996 had not been investigated or had been covered up. The Air Force Inspector General conducted a limited 30-day review, but did not investigate serious institutional problems after 1996. The *Working Group Report* does not mention the 2000-2001 review, even though the Air Force IG was a member of the Working Group.

The *Working Group Report* failed to chronicle these significant matters and events, undermining its own credibility and conclusion that there was "no systemic acceptance of sexual assault at the Academy [or] institutional avoidance of responsibility." The Panel cannot agree with that conclusion given the substantial amount of information regarding the sexual assaults and the Academy's institutional culture available to leaders at the Academy, Air Force Headquarters and the Office of the Air Force General Counsel.

The failure of the Academy and Air Force Headquarters leadership to respond aggressively and in a timely and committed way to eliminate causes of serious problems was a failure of leadership. Those responsible should be held accountable.

The Panel is well aware of the difficulty in holding accountable those who long ago left their positions of responsibility and now are beyond the reach of meaningful action by the Department of Defense. We do believe, however, that to make clear the exceptional level of leadership performance expected of future leaders in these positions and to put the failures of the recently removed Academy leadership in perspective, there must be some further accounting. To the extent possible, the failures of the Academy and Air Force Headquarters leaders over the past ten years should be made a matter of official record.

During the last decade, attention to the Academy's sexual assault problems depended on the interest of the leadership in place and on other competing demands for time and resources. This shortcoming in consistent and effective command supervision co-existed with an absence of meaningful external oversight from entities such as the Academy's Board of Visitors. This resulted in depriving the Academy of long-term solutions to the complex problem of sexual assault.

The Panel examined and reviewed the culture and environment at the Academy. It found an atmosphere that helped foster a breakdown in values which led to the pervasiveness of sexual assaults and is perhaps the most difficult element of the problem to solve.

The American people expect the highest integrity of officers serving in our Armed Forces. This expectation is a strong obligation at the Air Force Academy and was discarded by perpetrators of these crimes over the past decade. The Panel has found deficiencies in the Honor Code System and in the Academy's character development programs that helped contribute to this intolerable environment.

The Panel recognizes that the overwhelming majority of cadets are honorable and strive to live by the core values of integrity, service and excellence. Yet, these core values need to be more effectively interjected into real life situations for cadets.

Through its investigation and examination of this crisis, the Panel has determined the reasons this trusted institution failed many of its students. The Panel offers substantive recommendations to repair the Academy's foundation in hopes of restoring trust in its leadership and its mission. The situation demands institutional changes, including cultural changes. These changes are incremental and cannot be made overnight. Members of this Panel collectively agree it is in our nation's interest to ensure the vitality of this Academy for future generations.

II. INTRODUCTION

On April 16, 2003, the President signed H.R. 1559[1] which, in Title V, §§ 501 - 503, established a Panel to review sexual misconduct allegations at the United States Air Force Academy. Section 502 of the statute requires the Panel to study the policies, management and organizational practices and cultural elements of the Academy that were conducive to allowing sexual misconduct, including sexual assaults and rape, at the Academy. (*See Appendix A.*)

The statute requires that the Panel be composed of seven members, serving without pay, appointed by the Secretary of Defense from among private U.S. citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims, as well as the United States Military Academies.[2] The statute further requires that the Secretary, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the Panel from among its members.[3]

In performing this study, the legislation directs the Panel to:

1. Review the actions taken by Academy personnel and other Air Force officials in response to allegations of sexual assault at the Academy;
2. Review the directives issued by the Air Force pertaining to sexual misconduct at the Academy;
3. Review the effectiveness of the process, procedures and policies used at the Academy to respond to allegations of sexual misconduct;
4. Review the relationship between the command climate for women at the Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct, and the circumstances that resulted in the sexual misconduct;

---

[1] H.R. 1559, 108th Cong. (2003) (subsequently enacted as part of the Emergency Wartime Appropriations Act of 2003, Pub. L. No. 108-11, 117 Stat. 559 (2003)).
[2] Pub. L. No. 108–11, § 501(b), 117 Stat. 559 (2003).
[3] *Id.* at § 501(c).

5. Review, evaluate and assess such other matters and materials as the Panel considers appropriate; and
6. Review and incorporate as appropriate the findings of the ongoing studies being conducted by the Air Force General Counsel and Inspector General.[4]

The duties of the Panel include carrying out the study outlined above and reporting not later than ninety days after its first meeting as to its findings, conclusions and any recommendations for legislative or administrative action that the Panel considers appropriate in light of the study.

The Panel did not investigate specific allegations of criminal assault in particular cases. That function is being carried out by the DoD IG and the Air Force IG. (A listing of acronyms used in this report is included as *Appendix B*.)

The Panel began its work and held its initial organizational meeting on June 23, 2003.

In May and June of 2003, following enactment of H.R. 1559, Secretary of Defense Donald H. Rumsfeld appointed seven private citizens to serve as members of the Panel. After consulting with the Chairmen of the Senate and House Armed Services Committees, Secretary Rumsfeld appointed former Congresswoman Tillie K. Fowler as the Panel's Chairman. (Biographies of the Panel Members and a list of Panel Staff are included as *Appendix C & Appendix D*, respectively.)

The Panel began its work and held its initial organizational meeting on June 23, 2003. That same day, the Panel also conducted its first public hearing in the House Armed Services Committee Hearing Room in Washington, D.C.

The Panel called several witnesses during the June 23, 2003 hearing. Senator Wayne Allard (R-CO) described the sexual assault problems at the Academy and outlined his interaction with former Academy cadets who claimed to have been victims of sexual assault.[5] Secretary of the Air Force James G. Roche explained the changes to Academy policies and procedures mandated by the *Agenda for Change*, which he and Air Force Chief of Staff General

---

[4] Investigations by the Department of Defense Inspector General ("DoD IG") and the Air Force Inspector General ("Air Force IG") have not been completed as of the date of this report.

[5] Statement of Senator Wayne Allard (R-CO) to the Panel in Washington, D.C. (June 23, 2003).

John P. Jumper issued on March 26, 2003.[6] General Jumper was out of the country and could not attend the hearing. In his place, Assistant Vice Chief of Staff of the Air Force Lieutenant General Joseph H. Wehrle, Jr. responded to questions about the *Agenda for Change*. Mary L. Walker, General Counsel of the Air Force, attended the hearing and summarized the *Report of the Working Group Concerning Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy ("Working Group Report")*. Ms. Walker also answered questions about the *Working Group Report*, which had been made public a few days before the hearing.[7]

In July, the Panel traveled to Colorado Springs, Colorado to continue its fact-finding. On the morning of July 10, the Panel met in closed session with former cadets who stated they had been victims of sexual assault at the Academy. The Panel also heard from members of TESSA,[8] a rape crisis counseling center based in Colorado Springs, and from representatives of the Academy. That afternoon, the Panel visited the Academy and met with cadets from all four cadet classes. It also met with representatives of the Academy's former leadership, including Lieutenant General Bradley C. Hosmer, USAF (Ret.), and with the Academy's new leadership team comprised of Lieutenant General John W. Rosa, Superintendent; Brigadier General Johnny A. Weida, Commandant of Cadets; and Colonel Debra D. Gray, Vice Commandant of Cadets. While at the Academy, Chairman Fowler and Panel member Anita M. Carpenter met in private with three current female cadets who confided that they had been victims of sexual assault at the Academy, but had reported the crimes too late for authorities to take legal action. While in Colorado Springs, the Panel met with a total of ten former or current female cadets who said they had been sexually assaulted at the Academy. Although this represents only a small sampling of cadets, the information provided by the women was important to the Panel's understanding of sexual misconduct issues at the Academy.

> ***While in Colorado Springs, the Panel met with a total of ten former or current female cadets who said they had been sexually assaulted at the Academy.***

---

[6] Statement of James G. Roche, Secretary of the Air Force, to the Panel in Washington, D.C. (June 23, 2003).

[7] Statement of Mary L. Walker, Air Force General Counsel, to the Panel in Washington, D.C. (June 23, 2003).

[8] TESSA (Trust-Education-Safety-Support-Action) is an independent non-profit community services organization serving El Paso and Teller Counties, Colorado. TESSA provides a 24-hour domestic violence/sexual assault hotline, victim advocacy services, victim counseling and community education.

On July 11, 2003, the Panel held its second public hearing at City Hall in Colorado Springs, Colorado. During the hearing, the Panel had an opportunity to question the Academy's immediate past leadership, Lieutenant General John R. Dallager, former Superintendent of the Academy; Brigadier General S. Taco Gilbert III, former Commandant of Cadets; and Colonel Laurie S. Slavec, former 34th Training Wing Commander. (An organizational chart showing the leadership positions at the Academy prior to the *Agenda for Change* is included as *Appendix E*.) The Panel also received public statements at the hearing from the Academy's new leadership: General Rosa, General Weida and Colonel Gray. Lieutenant Colonel Alma Guzman, USAF (Ret.), the Academy's Victim Advocate Coordinator, Lieutenant Colonel Robert J. Jackson, head of the Academy's Behavioral Science Department, and Janet Kerr and Jennifer Bier of TESSA also testified at the July 11 hearing.

After completing its visit to the Academy, the Panel contacted additional people with knowledge of Academy policies and practices and reviewed documents obtained from a variety of sources. The Panel Staff also interviewed former cadets and Air Force and Academy officers. (For reference, a key to the names and positions of the individuals named in this report is included as *Appendix F*.)

On July 31, 2003, the Panel met in closed session and conducted fact finding at its office in Arlington, Virginia, with General John Jumper; Kelly F. Craven, Deputy Assistant Secretary of the Air Force for Force Management and Personnel; Joseph E. Schmitz, Department of Defense Inspector General; L. Jerry Hansen, Department of Defense Deputy Inspector General for Inspection and Policy; Lieutenant General Raymond P. Huot, Air Force Inspector General; and Brigadier General David H. Wagie, Dean of Faculty at the Academy.

In early August, Panel member Dr. Laura L. Miller and Panel Staff made a second fact-finding trip to the Academy where they attended segments of Basic Cadet Training, and met with cadets and representatives of selected Academy offices.

On August 19, 2003, the Panel met in executive session at its office in Arlington, Virginia.

On September 5, 2003, the Panel met in executive session and also held a public hearing in Arlington, Virginia to deliberate about the issues it deemed to be central to its report.

III. AWARENESS AND ACCOUNTABILITY

> *"There's been signals at this institution for years that we've had problems, and as an institution and as an Air Force, we haven't embraced them."*
>
> Lieutenant General John W. Rosa, Superintendent, addressing parents at the Academy on Parents' Weekend, August 29, 2003[9]

> *"[T]here's been a consistent 'drum beat' since 1993."*
>
> Brigadier General Francis X. Taylor, USAF (Ret.), former Commander, Headquarters AFOSI, addressing the confidentiality program and AFOSI efforts to be informed of cases[10]

Since at least 1993, senior civilian and military leadership of the Air Force and the Air Force Academy were aware of serious and persistent problems of sexual assault and gender harassment at the Academy. According to the *Working Group Report,* during the ten-year period from January 1, 1993 to December 31, 2002, there were 142 allegations of sexual assault at the Academy, for an average of more than 14 allegations per year. (A chart showing the number of allegations of sexual assaults made by Academy cadets is included as *Appendix G.*) Little is known about the majority of these allegations, including whether or not they could have been substantiated. The Academy sought to address the problems with varying degrees of attention and success through a series of Air Force Secretaries, Chiefs of Staff, Academy Superintendents and Commandants of Cadets. (The individuals who held these positions from 1993–2003 are listed in *Appendix H.*)

Throughout the past ten years, there have been numerous incidents and indicators, investigations, working group discussions and high-level meetings on sexual assault and harassment issues at the Academy, which separately or collectively should have alerted Air Force leadership to the existence of a significant problem. The efforts to address the problems, while certainly well-intentioned, were *ad hoc* and competed for attention with myriad other critical issues facing the Department of the Air Force and the Academy. Frequent changes in leadership inherent in military service resulted in short-term fixes for a long-term problem. As a result, a consistent, systemic approach to achieving enduring solutions eluded the Air Force.

---

[9] Pam Zubeck, *Sex Scandal Real, Rosa Says: Academy Superintendent Talks to Parents of Cadets,* COLO. SPRINGS GAZETTE, Aug. 30, 2003.

[10] Interview by Working Group with Brigadier General Francis X. Taylor, USAF (Ret.), in Washington, D.C. (July 16, 2003).

The chronology of events that follows details the salient facts known to the Panel. Due to the Air Force's inability to produce historical records and documents required to trace and fully understand events, and because of the limited time mandated for this Panel's investigation, the chronology is incomplete. Nonetheless, the chronology of events assembled by the Panel reveals that there has been an awareness at the highest levels of Air Force leadership of a serious sexual assault problem at the Academy. (A graphic representation of the timeline of events is included as *Appendix J*.)

A. Chronology of Events (1993–2003)

1993 (18 allegations of sexual assault)[11]

Prior to 1993, few sexual assaults were reported at the Academy.[12] This infrequency combined with the perceived high quality of entering cadets may have caused Academy leaders to believe the institution was virtually free of sexual assaults.[13] That perception ended following a sexual assault incident in February 1993. In response to that incident, Brigadier General Bradley C. Hosmer, then-Superintendent, reached out to the cadet population, and to female cadets specifically, to gain a better understanding of cadet experiences and perceptions about sexual assault and sexual harassment. General Hosmer's meeting with female cadets made it clear that the problem was significantly greater than he previously had suspected.[14]

General Hosmer attempted to improve the Academy environment by making changes to the Academy's sexual assault response program, including establishing an informal policy of confidential reporting.[15] General Hosmer commissioned the Academy's Center for Character Development ("CCD") to improve the overall character of the cadet population through educational and training programs. He also created a sexual assault hotline operated outside the chain of command that offered counseling to victims of sexual assault with the assurance of confidentiality. Another change was the institution of a victim amnesty program to encourage the reporting of sexual assaults. Under the amnesty policy, the chain of command could forego punishment of victim misconduct in order to encourage the reporting of sexual assault.[16]

---

[11] *Working Group Report*, at 71.

[12] Connie J. Johnmeyer, *The Road to "Zero Tolerance" and Beyond: A History of Sexual Assault Services at the United States Air Force Academy*, Paper presented at the 105th Annual Convention of the American Psychological Association, Chicago, IL (Aug. 16, 1997), at 4.

[13] *Id.*

[14] *Working Group Report*, at 10-11.

[15] Prior to the changes made by Brigadier General Bradley C. Hosmer, USAF (Ret.), Cadet Wing policy required any staff member made aware of sexual assault to report the incident to the Air Force Office of Special Investigations ("AFOSI") and to their chain of command.

General Hosmer made the changes to the Academy's sexual assault reporting policy on his own initiative. Although he did not consult with or formally coordinate his vision of a sexual assault reporting and confidentiality program with Air Force Headquarters, General Hosmer informed Panel Staff that he had frequent conversations about the policy with then-Air Force Secretary Sheila E. Widnall. He also said that he never received any indication from Air Force Headquarters, AFOSI or the Academy's Security Police that there were problems or disagreements with his program.[17]

1994 (14 allegations of sexual assault)[18]

In January 1994, the General Accounting Office (GAO) released a report on sexual harassment at each of the Service Academies which indicated that women were subject to harassment at all of the Service Academies at a level that portended a serious threat to the mission of the Academies to educate and train future military officers.[19] While the focus of the GAO report was sexual harassment and not sexual assault, it provided a significant indicator of the problems with the culture and climate at the Air Force Academy, particularly with regard to its treatment of women. However, the Working Group found no evidence that the Academy took any direct action in response to this GAO report.[20]

Another more direct indicator in 1994 of the extent of sexual assault problems at the Academy was the formation of a support group initially comprised of five cadet victims of sexual assault who did not have confidence in the Academy's formal reporting system.[21]

In July 1994, General Hosmer retired, and Lieutenant General Paul E. Stein became the Superintendent at the Academy.

---

[16] *Working Group Report,* at 10-11.

[17] Interview by Panel Staff with General Hosmer, USAF (Ret.), in Washington, D.C. (Aug. 18, 2003).

[18] *Working Group Report,* at 71.

[19] General Accounting Office (GAO) Report, DoD Service Academies: More Actions Needed to Eliminate Sexual Harassment (Jan. 1994).

[20] *Working Group Report,* at 14.

[21] Connie J. Johnmeyer, *The Road to "Zero Tolerance" and Beyond,* at 11.

1995 (17 allegations of sexual assault)[22]

In March 1995, the GAO issued a follow-on report to its 1994 investigation of sexual harassment, and concluded that the issue had not improved at any of the Academies.[23] The 1995 report also found that 78% of the Air Force Academy's female cadets responding to the GAO's survey indicated that they had been harassed on a reoccurring basis — a significant increase from a study conducted in 1990-91.[24]

Beginning in 1995, the Academy established a Social Climate Process Action Team ("PAT"), comprised of cadets, faculty and staff, to study sexual assault issues at the Academy. The PAT concluded that "most cadet sexual assaults are not reported," that "the institution is unaware of the extent of the problem and cannot plan how best to respond,"[25] and "that a major impediment to the reporting of assault was a lack of trust in the system."[26] The PAT proposed several guidelines for responding to sexual assault in the Academy's system. The guidelines were to: "1) respect the victim's privacy, dignity, confidentiality and desires; 2) provide strong and consistent support to the victims; 3) provide sensitive services; 4) adjudicate cases to the fullest extent possible; and 5) provide feedback to victims and the Cadet Wing to ensure the knowledge and understanding of changes in the system."[27] Several changes were implemented throughout the year, including establishment of the Sexual Assault Services Branch within the Cadet Counseling and Leadership Development Center[28] and establishment of the Sexual Assault Services Committee ("SASC") in November 1995.[29]

The Commandant chaired the SASC and met monthly with its 24 members.[30] The Committee's purpose was to integrate the various sexual assault services at the Academy, facilitate the exchange of information among its participants and permit discussion of sexual assault cases and issues.[31]

---

[22] *Working Group Report*, at 71.

[23] GAO Report, *DoD Service Academies: Update on Extent of Sexual Harassment* (Mar. 1995).

[24] *Id.* at 8.

[25] Memorandum from Lieutenant Colonel Molly Hall, USAF, to Lieutenant General Paul E. Stein, USAF (Ret.), Superintendent, U.S. Air Force Academy ("USAFA") (June 10, 1996).

[26] Connie J. Johnmeyer, *The Road to "Zero Tolerance" and Beyond*, at 13.

[27] *Id.* at 14.

[28] *Id.*

[29] *Id.* at 16.

[30] *Id.*

[31] *Working Group Report*, at 14.

In 1995, General Stein took several actions to address the issues of sexual assault at the Academy, including pressing to fill the position of AFOSI Detachment Commander with a more senior and experienced officer and arranging for the assignment of a female Special Agent with specialized training in investigating sexual assault.[32]

After General Stein learned about the existence of the cadet sexual assault "underground" support group, he arranged to attend some of its meetings in order to learn more about the nature of the sexual assault situation at the Academy and the views of female sexual assault victims.[33] During the victim support group discussions, General Stein learned that some female cadets who were victims of sexual assault did not want to report the incidents to law enforcement. Instead, they chose to obtain support from other victims and not make a formal report that would involve the chain of command.[34] By listening to victims' accounts of their experiences, General Stein learned that there were perpetrators of sexual assault in the cadet ranks who ultimately would be commissioned as officers.

1996 (15 allegations of sexual assault)[35]

By 1996, Air Force Headquarters recognized that the procedures to address sexual assault, initially put in place by General Hosmer, were not working as expected. The confidential reporting system instituted by General Hosmer depended for its success on counselors who encouraged victims to report crimes to AFOSI and the chain of command. It appears that over time, counselors did not perform this function and the investigation and prosecution of sexual assaults became secondary to victim treatment and counseling. The result was that the confidential reporting program provided counseling for sexual assault victims but also interfered with the timely investigation and prosecution of assaults.

The conflict between confidential reporting and the investigation and prosecution of perpetrators resurfaced in early 1996 when AFOSI did not learn of a sexual assault until days after the incident. On February 17, 1996, a male member of the Academy football team allegedly sexually assaulted a female cadet in her dorm room. By honoring the Academy policy of confidentiality, there was a delay in reporting the sexual assault.[36] On March 8, 1996,

---

[32] *Id.* at 12.
[33] Interview by Panel Staff with Colonel Hall in Bethesda, Md. (Aug. 26, 2003).
[34] *Id.*
[35] *Working Group Report*, at 71.
[36] Memorandum from Air Force Public Affairs to the Secretary of the Air Force and the Air Force Chief of Staff (May 2, 1996).

Headquarters, AFOSI prepared an AFOSI ITEM report on the incident for the Air Force IG. According to the ITEM, the victim reported the assault to her Air Officer Commanding ("AOC") on February 20, but AFOSI did not learn of the assault until February 23. The AOC explained the victim did not want to "officially" report the incident and the AOC did not report it because of the Academy policy of confidentiality.[37]

In March 1996, upon learning of this incident, Brigadier General Robert A. Hoffman, then-Commander of AFOSI, sent his Staff Judge Advocate and a forensic expert to the Academy to review the way sexual assault cases were being addressed. The AFOSI's visit to the Academy identified several areas of concern regarding the reporting requirements, victim confidentiality, and the relationship between Academy officials and AFOSI.[38] The AFOSI summary noted the Academy program was unbalanced, reinforced a "system within a system," jeopardized the safety of other cadets and the ability to bring the offender to justice, and could result in the commissioning of an unsuitable officer.[39]

Lieutenant General Richard T. Swope, the Air Force IG, directed an Air Force Headquarters review of the Academy's policies and procedures for handling sexual assault cases. A multidisciplinary team of representatives from the Air Force Judge Advocate General's Office, Headquarters AFOSI, and the Air Force Surgeon General's Office, was established with plans to go to the Academy and provide assistance. However, General Stein advised that he preferred that the team remain in Washington, D.C. to conduct its review of the Academy's proposed operating instruction on Sexual Assault Victim Assistance and Notification Procedures. As General Stein requested, the team did not travel to the Academy. The review team received a draft of the Academy's proposed Operating Instruction for handling sexual assault issues. Among other matters, the team was to assist the Academy by adopting as much of the Academy's proposed draft as possible, while providing more balance to the program and better aligning it with the Air Force Victim/Witness Assistance Program.[40]

On April 22, 1996, the Chief of the Administrative Law Branch, General Law Division, Air Force Judge Advocate General's Office, provided a summary and assessment of the Academy's proposed Operating Instruction 36-10 on "Sexual Assault Victim Assistance and

---

[37] However, the victim had been examined at the clinic and Cadet Counseling Center officials had taken photographs of the victim's bruises. *See* AFOSI ITEM, "*C3C [Doe's] Alleged Sexual Assault of Female Cadet in Dorm.*"

[38] Summary of Headquarters AFOSI visit to USAFA.

[39] *Id.*

[40] *Id.*

Notification Procedures."[41] The memorandum concluded that the proposed Operating Instruction gave the victim a disproportionate amount of control over the situation and was at odds with the need for investigation and punishment of offenders. Additionally, the Operating Instruction allowed for delayed investigations that could result in "lost or contaminated evidence and that commanders and other officials are generally divested of authority to report crimes to law enforcement or OSI in complete abdication of their fundamental responsibility for discipline. While the Academy's motive may be good, commanders and other responsible Air Force officials should never be permitted, expected, or encouraged to turn a blind eye to criminal activity, nor should they have to straddle a fence wondering which 'crimes' they should report and which they should keep secret."[42]

The memorandum further stated that the proposed instruction was flawed in attempting to create a dual-track process — one totally confidential, the other allowing disclosure and investigation — in a single chain of people and opined that the "Air Force would take a good drubbing from parents, Congress, the press, you name it, if we pursue this particular policy." [43] On June 26, 1996, General Swope forwarded to General Stein the Air Force Headquarters' revision of the proposed instruction.

On December 12, 1996, General Stein sent General Swope a memorandum setting forth the Academy's proposed Academy Instruction 51-201, "Cadet Victim/Witness Assistance and Notification Procedures."[44] The draft instruction required all Academy personnel to report sexual assaults to the Cadet Counseling Center, which reported the assault and all information gathered, excluding names, to the Commandant of Cadets and the Security Police Office of Investigations ("SPOI"). The Commandant of Cadets could override the victim's decision not to report the assault, depending on the Commandant's inherent authority, but this was not expressly stated in the instruction. This omission was viewed as a problem in that cadet victims could be misled as to the parameters of the confidentiality program and, upon learning of a

---

[41] Memorandum from Colonel Jarisse J. Sanborn, USAF, Chief, Administrative Law Branch, to Chief of the Military Justice Division (JASM), General Law Division (AF/JA) (Apr. 22, 1996).

[42] *Id.*

[43] *Id.* The Air Force Headquarters revision of the proposed *34 TRW Operating Instruction 36-10* incorporated changes to accommodate the Academy's objectives while providing a more balanced approach to the inherent conflict between victim confidentiality and reporting requirements. The revision attempted to strike the balance needed, requiring that the Commandant of Cadets be provided notice of all sexual assault cases with authority to override a victim's desire not to pursue investigation of the assault when it is in the best interests of the Cadet Wing and/or the Air Force. Otherwise, confidentiality regarding the victim's identity would be honored.

[44] Memorandum from General Stein, Superintendent, USAFA, to Lieutenant General Richard T. Swope, Air Force IG (SAF/IG) (Dec. 12, 1996).

Commandant's override decision, could lead them to distrust the command leadership.[45] General Stein also forwarded to General Swope the draft Academy Instruction that indicated his intent to request a waiver of regulations requiring medical personnel to report sexual assaults to AFOSI.

During this time that General Hoffman, Commander, AFOSI was asserting his concerns about the inadequacy of the Academy's sexual assault reporting policy, the Office of the Air Force Surgeon General became aware, and advised senior Air Force leadership, of even broader concerns regarding a climate at the Academy that appeared to foster animosity toward women and had the potential of contributing to the sexual assault problem.

In April 1996, the Air Force Surgeon General temporarily assigned Lieutenant Colonel Molly Hall, Chief of Psychiatry at Andrews Air Force Base and a psychiatric consultant to the Surgeon General, to the Academy Inspector General to conduct an inquiry into problems of cooperation and coordination between the Mental Health Unit and the Cadet Counseling Center. During her investigation, Colonel Hall uncovered information relating to sexual assault issues at the Academy.[46]

In May 1996, Colonel Hall briefed the Air Force Surgeon General, Lieutenant General Edgar R. Anderson, and the Deputy Surgeon General, Major General Charles H. Roadman, on the findings of her investigation, including information concerning sexual assault issues. Shortly after the briefing, General Anderson requested that Colonel Hall provide him with a written outline of the information.[47]

On June 3, 1996, General Anderson, General Roadman and Colonel Hall met with then-Chief of Staff of the Air Force, General Ronald R. Fogleman. At the meeting, Colonel Hall briefed General Fogleman regarding sexual assaults at the Academy, and asserted that "the problem of sexual assault and victimization continues at the Academy in large measure due to a cultural or institutional value system. This climate promotes silence, discourages victims from obtaining help, and increases the victim's fear of reprisal." [48] Colonel Hall also stated that the Academy lacked a coordinated policy linking the various support agencies into a safety net for the traumatized victim, and expressed concern about the policy that allowed victims of assault to determine if they would identify the perpetrator or press charges.[49]

---

[45] Interview by Panel Staff with Colonel Harlan G. Wilder, USAF (Ret.), Chief, General Law Division, Office of the Judge Advocate General, Headquarters USAF, in Arlington, Va. (Aug. 14, 2003); *see also* Memorandum from Colonel Wilder to General Swope, Air Force IG (Jan. 15, 1997).

[46] Interview by Panel Staff with Colonel Hall in Bethesda, Md. (Aug. 26, 2003).

[47] *Id.*

[48] Memorandum from Colonel Hall to General Stein, Superintendent, USAFA (June 10, 1996).

On June 4, 1996, General Anderson followed up on the meeting of the previous day and sent a note to General Fogleman reiterating his concerns. In the note, General Anderson stated that "there are CRIMES here – FELONIES . . . this patient [the Academy] needs major surgery, not just a band aid."[50]

General Fogleman told Panel Staff that he instructed Surgeon General Anderson to keep Colonel Hall actively involved in the issue. During an interview with Panel Staff, General Fogleman did not have a clear recollection of his response to the June 3, 1996 meeting. He said that he may have directed creation of an Integrated Process Team to conduct an in-depth study of the problem,[51] and possibly assigned the matter to Major General Susan L. Pamerlau, USAF (Ret.).[52] When contacted, General Pamerlau said that she did not recall any involvement in a study of sexual assault at the Academy.[53]

According to General Fogleman, Air Force leadership knew of the sexual assault problems at the Academy during his term in office, and both Air Force Headquarters and Academy leadership were engaged in a variety of actions to address the issue.[54] General Fogleman believes the sexual assault issue was a topic of several discussions with General Stein, and that General Stein was fully engaged on the issue and had initiated a variety of actions to address the problem. General Fogleman does not recall any specific conversations with then-Air Force Secretary Sheila E. Widnall, but believes she knew of the sexual assault issue at the Academy.[55]

Secretary Widnall was visibly involved in issues regarding women in the military, including serving as co-chair of the DoD Task Force on Discrimination and Sexual Harassment in the Military,[56] so it stands to reason that she may have been aware of issues concerning sexual assault at the Academy. By the same token, other Secretaries and Chiefs of Staff, before and after General Fogleman, may also have had involvement in formulating responses to sexual assault issues at the Academy. The Panel's limited time for review prevented it from fully exploring the knowledge of the former Air Force leadership.

---

[49] *Id.*

[50] Note from Lieutenant General Edgar R. Anderson, USAF, Air Force Surgeon General (AF/SG), to General Ronald R. Fogleman, USAF, Air Force Chief of Staff (Sept. 2, 2003).

[51] Telephone interview by Panel Staff with General Fogleman, USAF (Ret.) (Aug. 4, 2003).

[52] *Id.*

[53] E-mail from Senior Executive Assistant, SAF/AA, to Panel Staff (Sept. 4, 2003).

[54] Telephone interview by Panel Staff with General Fogleman (Aug. 4, 2003).

[55] *Id.*

[56] *See*, Statement by the Secretary of the Air Force Sheila E. Widnall to the Senate Armed Services Committee (Feb. 4, 1997).

After the meeting with General Fogleman in June 1996, Colonel Hall returned to the Academy to conduct a review of the sexual assault issues that had surfaced in the earlier inquiry. Upon completion, she prepared a memo dated June 8, 1996 for the Superintendent detailing her meeting with General Fogleman and noting the leadership at the Academy was "aware, actively concerned, and engaging the problem."[57] She cautioned that "the institution is still unaware of the extent of the problem."[58] Colonel Hall sent substantially similar memoranda to Generals Fogleman, Anderson and Roadman.

General Anderson retired from the Air Force effective December 31, 1996; General Roadman succeeded him as Air Force Surgeon General. At the time he retired, General Anderson was unaware of any action taken by the Air Force to investigate the sexual assault problems detailed in Colonel Hall's report.[59]

In late 1996, the Academy realigned the Cadet Counseling Center and placed it under the Dean of Faculty to separate the counseling services from the disciplinary process.[60] Also in 1996, the Academy's Social Climate Surveys for the first time included questions on sexual assault.

1997 (7 allegations of sexual assault)[61]

In February 1997, the Academy asked Air Force Headquarters for an approval of a waiver from the Air Force Instruction requiring Academy medical personnel to report sexual assault incidents to command and AFOSI. The Academy believed the waiver would encourage the reporting of sexual assaults by respecting victim privacy, confidentiality and desires.[62] The Air Force Surgeon General, Inspector General, and Judge Advocate General (Lieutenant Generals Roadman and Swope, and Major General Bryan Hawley, respectively) traveled to the

---

[57] Memorandum from Colonel Hall to General Stein (June 10, 1996).

[58] *Id.*

[59] Interview by Panel Staff with General Anderson, USAF (Ret.), in Arlington, Va. (Sept. 2, 2003).

[60] *Working Group Report*, at 13.

[61] *Id.* at 71.

[62] Slides presented by General Stein to General Swope, SAF/IG, Lieutenant General Charles H. Roadman, II, AF/SG, and Major General Bryan G. Hawley, AF/JA (Feb.14, 1997). Interview by Panel Staff with Colonel Hall in Bethesda, Md. (Aug. 26, 2003).

Academy and, in a meeting chaired by General Stein, received a briefing on the proposal from the Chief of the Cadet Counseling Center. Colonel Hall also attended the meeting.

The Academy briefing was intended to persuade the attendees of the necessity for the waiver of reporting requirements. The briefing included statistical information that indicated the informal policy of confidentiality had resulted in more victims coming forward to report sexual assaults to the Cadet Counseling Center.[63] The briefing also noted, however, that the scope of the problem was still in question, and that other indicator "flags" suggested that the problem might be larger than previously thought to be the case.[64] The presentation slides specifically noted, for example, that it is known that nationally as few as one in ten rapes is reported to the authorities.[65]

During that visit, the Generals and Colonel Hall met with approximately 20 representatives of the "underground" group of victims. In an interview with Panel staff, General Roadman described the scene as "surreal," with curtains drawn across the windows while these victims expressed their concerns about the need for confidentiality in reporting incidents of sexual assault so that they could receive counseling and medical treatment.[66] It was at the conclusion of this meeting that Colonel Hall was persuaded of the value of some form of limited confidentiality for cadet assault victims. [67]

On May 22, 1997, General Roadman granted the Academy's request to waive the reporting requirement to AFOSI for a one-year temporary period, but with the stipulation that medical personnel concurrently report all cases of suspected rape or sexual assault against cadet victims to the Cadet Counseling Center and Commandant of Cadets. The Cadet Counseling Center was to report to the Security Police Office of Investigations. On July 15, 1997, following issuance of the waiver, the Academy issued Academy Instruction 51-201, "Cadet Victim/Witness Assistance and Notification Procedures."

According to General Roadman, he granted the waiver because psychiatric services at the Academy had become dysfunctional and cadets had lost confidence in the mental health department's ability. General Roadman was convinced that cadet victims would not come forward for treatment without assurances that their situation would not become common knowledge at the Academy and that they would otherwise not be re-victimized by the reporting process. General Roadman believed the Academy's mental health services system needed time to rebuild trust with the cadets.[68]

---

[63] *Id.*

[64] *Id.*

[65] *Id.*

[66] Interview by Panel Staff with General Roadman, USAF (Ret.), in Washington, D.C. (Sept. 4, 2003).

[67] Interview by Panel Staff with Colonel Hall in Bethesda, Md. (Aug. 26, 2003).

According to General Roadman, at the end of the one-year waiver, the Academy was obligated either to seek an extension or begin compliance with the Air Force Instruction on reporting instances of sexual assault.[69] Neither General Roadman nor Colonel Hall were again presented with the issue of sexual assault at the Academy.[70] The Academy never renewed the one-year waiver, but continued to act as if it were still in existence until the *Agenda for Change* required reporting of all incidents of sexual assault to command authorities.

In August 1997, Lieutenant General Tad J. Oelstrom became Superintendent of the Academy.

1998 (16 allegations of sexual assault)[71]

By 1998, the Academy leadership had every reason to believe sexual misconduct was an issue worthy of attention. In December of 1998, the Chief of Sexual Assault Services provided a briefing entitled "We Have A Problem" to the Academy's "Top Six" (the Superintendent or his executive, the Dean of Faculty, the Commandant, the Vice Commandant, the Training Group Commander and the Athletic Director).[72] The presentation referred to "Cadet Statistics on Sexual Assault," including results of the 1997 Social Climate Survey showing an estimated 24%[73] of female cadets sexually assaulted since coming to the Academy. It is not evident what the leadership did in response to learning that a sizable portion of the female cadet population reported being sexually assaulted after arriving at the Academy.

Social Climate Surveys were one of the few tools Academy leadership had to gauge the extent of the sexual assault problem at the Academy. Given the prior indicators and the pointed attention drawn to the results of the 1997 survey, it is remarkable that Academy leadership, and the officers responsible for keeping them informed, did not take greater interest in the Social Climate Surveys which repeatedly warned of serious problems for the institution.

---

[68] Interview by Panel Staff with General Roadman, USAF (Ret.), in Washington, D.C. (Sept. 4, 2003).
[69] *Id.*
[70] Interview by Panel Staff with Colonel Hall in Bethesda, Md. (Aug. 26, 2003); Interview by Panel Staff with General Roadman in Washington, D.C. (Sept. 4, 2003).
[71] *Working Group Report*, at 71.
[72] *Id.* at 17–18.
[73] According to the *Working Group Report*, the slide contained a mathematical error and should have said "15%" of female cadets had been sexually assaulted since coming to the Academy. *Id.* at 18.

When asked in early 2003 for prior climate surveys, the Air Force did not provide information for years prior to 1998.[74] It did produce survey information for 1998, and 2000–2003. The Academy did not conduct a Social Climate Survey in 1999. The Academy considers the 1998, 2000, 2001 and 2002 surveys to be "statistically invalid," yet Academy officials have not provided an acceptable explanation of why they repeatedly administered invalid surveys with no apparent efforts to develop a valid survey tool.

Even if the surveys truly were not "statistically valid," they offered startling information about the Academy's gender climate. For example, the 2001 survey showed that of reporting female cadets, 47% said they had been sexually harassed by other cadets, 63% reported derogatory comments and 66% felt they had been discriminated against by other cadets on the basis of gender. [75] It appears that the Academy leadership ignored this information. This lack of attention and appropriate concern is all the more troubling in light of the Working Group's confirmation of the survey findings during its interviews of cadets, professors and Academy leadership.[76] Academy and Air Force leadership failed to recognize their significance and take appropriate action.

1999 (10 allegations of sexual assault)[77]

In late 1999, Headquarters AFOSI again raised concerns with the Academy's unique sexual assault reporting policy.[78] These concerns were sparked by the delayed reports of sexual assault received from two female cadets.[79] Brigadier General Francis X. Taylor, the AFOSI Commander, contacted the Air Force IG, Lieutenant General Nicholas B. Kehoe, and the Air Force General Counsel, Jeh Johnson. Mr. Johnson suggested to General Taylor that the issue be coordinated with several headquarters staff elements.[80] As a result, Air Force Deputy General

---

[74] Letter from Major General Leroy Barnidge, Jr., USAF (Ret.), to Senator Allard (Mar. 28, 2003).
[75] *Working Group Report*, at 84.
[76] *Id.* at 85.
[77] *Id.* at 71.
[78] *Id.* at 17.
[79] One female cadet who had been sexually assaulted was speaking with another female cadet who also happened to have been sexually assaulted, and when the two determined that they were assaulted by the same assailant they decided to come forward and report. Interview by Working Group with General Taylor in Washington, D.C. (July 16, 2003).
[80] E-mail from General Taylor to Lieutenant Colonel Eric Weiss (Nov. 30, 1999).

Counsel (National Security & Military Affairs), William K. At Lee, was given the lead for staff coordination.

2000 (10 allegations of sexual assault)[81]

In January 2000, Mr. At Lee advised the Director of the General Law Division that he wanted to assemble a group of people from their respective offices and AFOSI to "discuss the procedures in place for responding to allegations of sexual assault against cadets; whether they remain appropriate after the passage of time since their institution; and whether they now create unacceptable risk for the Academy leadership."[82] In March 2000, this Sexual Assault Policy Working Group met to discuss the Academy's procedures.

The Sexual Assault Policy Working Group continued its review periodically over the next 18 months and debated the merits of the Academy's policy. For example, in his memorandum of July 13, 2000, the Academy Staff Judge Advocate asserted that the Academy's confidentiality program "has been a success."[83] However, Headquarters AFOSI Staff Judge Advocate objected to the program and, in a memorandum dated July 14, 2000, strongly disagreed with the policy and proposed alternatives for implementation.[84] In addition to considering the merits of the Academy's confidentiality policy, the Sexual Assault Policy Working Group collected information about the number of sexual assaults since 1985, and analyzed such sources as Social Climate Surveys and "reprisal climate behavior data."[85] Apparently, the Sexual Assault Policy Working Group never produced a formal report.

In May 2000, the Academy received another indicator of concerns about its climate and culture. The Character Development Review Panel, chaired by retired General Hosmer, presented a final report to the Academy that included an independent assessment of the status of the character development program at the Academy.[86] One of the report's findings was that the Academy's character development program was handicapped by the absence of any methodologies for assessing results.[87] The report suggested that the Academy consider several indicators to assess the strength of character of the Cadet Wing, to include indicators of loyalty to individuals over loyalty to unit, acts of reprisal, and poll data reflecting fear of reprisal and sexual misconduct, especially involving abuse of authority.[88]

---

[81] *Working Group Report*, at 71.

[82] E-mail from William K. At Lee, Air Force Deputy General Counsel (National Security & Military Affairs), to Colonel Wilder (Jan. 10, 2000).

[83] Memorandum from Colonel Charles R. Lucy, USAF, to USAFA (July 13, 2000).

[84] Memorandum from Colonel Weiss to AFA Sexual Assault Policy Working Group (July 14, 2000).

[85] Documents produced by William At Lee pursuant to Panel request.

[86] USAFA: *Character Development Review Panel Initial Meeting Final Report* (May 27, 2000).

[87] *Id.* at 7.

In June 2000, General John R. Dallager became Superintendent of the Academy.[89]

In August 2000, at the request of the Senate Armed Services Committee, the Air Force IG initiated an investigation into allegations made by former Air Force Surgeon General, Lieutenant General Edgar R. Anderson, that complaints of sexual assault at the Academy had not been investigated or had been deliberately covered up during Major General John D. Hopper Jr.'s tenure as Commandant of Cadets.[90] The information General Anderson provided to the Committee included the detailed outline of sexual assault issues that Colonel Hall prepared in 1996.

The Air Force IG's investigation focused on whether General Hopper abused his authority by actively concealing or discouraging proper investigations of incidents of cadet sexual misconduct. The IG's review cleared General Hopper of any wrongdoing. There is no indication that the IG addressed the broader issues of sexual assault and the gender climate at the Academy. The information provided to the Air Force IG by the Senate Armed Services Committee gave the Air Force leadership another chance to address potential problems at the Academy. Apparently, the Air Force leadership did not take advantage of the opportunity.

Lieutenant General Raymond P. Huot, the current Air Force IG, was also IG at the time that the General Hopper investigation was completed. General Huot approved the Complaint Analysis for the General Hopper investigation.[91] More recently, General Huot was a member of the 2003 General Counsel's Working Group, yet there is no discussion in the *Working Group Report* of the investigation of General Hopper or the underlying allegations of sexual misconduct at the Academy.

In November 2000, General Taylor, then-Commander of Headquarters AFOSI, met with General Dallager to discuss the Academy's Victim Witness Assistance Program and AFOSI's role in investigating cadet sexual assault cases at the Academy. General Taylor reportedly raised several proposals to get AFOSI more involved in sexual assault investigations. General Taylor later informed Mr. At Lee, "I am not ready to declare victory as we still are not made aware of ALL complaints, but I found the Superintendent receptive to our concerns and looking for a methodology to get us involved while assuring the anonymity of the victim is protected . . . I think we made good progress, but only time will tell."[82]

---

[88] *Id.*

[89] *Working Group Report*, at 19.

[90] Memorandum for Air Force IG, Subject: Senior Official Complaint Analysis – Maj. Gen. John D. Hopper, Jr. COMPLAINT ANALYSIS (Aug. 28, 2000).

[92] *Id.*

2001 (17 allegations of sexual assault)[83]

On May 4, 2001, General Taylor sent an e-mail to Brigadier General Mark A. Welsh III, then-Commandant of Cadets, following a meeting between the two at the Academy regarding the Academy's sexual assault policy. General Taylor expressed appreciation for the improvements in the process and stated that it appeared that many of the concerns with the program since its inception had been overcome.[84] General Taylor asked that his successor follow up on this issue by scheduling a visit with General Welsh for an in-depth briefing on the current program and its benefits. According to AFOSI witnesses, AFOSI did not follow up on the issue because the matter appeared resolved at the Headquarters AFOSI level.[85] Also, within four months of the May meeting the events of September 11 significantly altered AFOSI's mission and the focus of its efforts and resources.

According to General Welsh, until the recent 2003 media reports, he was unaware of the existence of the headquarters-level Sexual Assault Policy Working Group and its 18-month effort to resolve issues involving the reporting of sexual assault incidents at the Academy.[86] However, in late 1999 or early 2000, General Welsh became concerned that the Academy leadership was not receiving information about sexual assaults reported to the Cadet Counseling Center and, as a result, Academy leadership was not involved in responding to these reports. General Welsh believed that while the Cadet Counseling Center appeared to be responding well to the victims' medical and emotional needs, senior Academy leadership was not receiving information to allow it to decide whether the incidents should be reported to AFOSI for investigation. Accordingly, General Welsh initiated an effort to develop a process and a two-page form for tracking the reports and for the Cadet Counseling Center to

---

[82] E-mail from General Taylor to William K. At Lee (Nov. 19, 2000).
[83] *Working Group Report*, at 71.
[84] E-mail from General Taylor to General Mark A. Welsh III, USAF, Commandant, USAFA (May 4, 2001).
[85] Interview by Panel Staff with Brigadier General Leonard E. Patterson, USAF, Commander, Headquarters, AFOSI, at Andrews Air Force Base, Md. (July 28, 2003); Interview by Panel Staff with Colonel Stephen D. Shirley, USAF, Vice-Commander, Headquarters, AFOSI, at Andrews Air Force Base, Md. (Aug. 5, 2003); Interview by Panel Staff with Special Agent Gary Triplett (July 28, 2003); Telephone interview by Panel Staff with Special Agent Michael Speedling in Washington, D.C. (July 28, 2003); Interview by Panel Staff with Special Agent Kelly Mayo (Aug. 22 & 23, 2003).
[86] Interview by Panel Staff with General Welsh in Arlington, Va. (Aug. 28, 2003).

BEST COPY AVAILABLE

disseminate basic information about reports of sexual assaults to himself, the Vice Commandant of Cadets, the 34th Training Wing Commander, AFOSI and the Security Police.[97]

General Welsh and General Taylor agreed on the tracking process. General Taylor believed it addressed AFOSI's concerns about receiving information concerning sexual assault incidents. The Academy was to formalize the tracking process and form by making them part of the Academy's Instruction for reporting sexual assaults. However, sometime after the May 2001 meeting between General Taylor and General Welsh, the two-page tracking form that had been in use by the Cadet Counseling Center was changed to a single page that contained no information as to the basic details of an incident. According to Victim Advocate Alma Guzman, she thought that the form was changed as the result of a victim's complaint and that it contained too many details.[98] The tracking process and two-page form was developed at General Welsh's direction to improve the information that the Command and AFOSI received concerning sexual assaults.

General Welsh left his position as Commandant of Cadets in late July or early August 2001, and does not recall what information on this subject he passed on to his successor.[99]

In August 2001, General S. Taco Gilbert III became Commandant of Cadets. Before he began his assignment, General Gilbert met with the Air Force Chief of Staff, General Michael E. Ryan, and received "marching orders" to fix the discipline and standards at the Academy.[100] In response, General Gilbert took a number of actions to instill accountability, enforce existing standards regarding wear and appearance of uniforms and improve the physical condition of the cadet area.[101]

According to General Gilbert, upon his arrival at the Academy, senior Academy members told him that the Academy previously had problems with sexual assaults and had implemented the Cadets Advocating Sexual Integrity and Education ("CASIE") program in response. General Gilbert said he was told that CASIE was considered a model sexual assault response program by other schools and Service Academies. General Gilbert recognized that the

---

[97] *Id.*

[98] Lieutenant Colonel Alma Guzman, USAF (Ret.), Tracking Form Documents and a note received on September 11, 2003.

[99] Interview by Panel Staff with General Welsh in Arlington, Va. (Aug. 28, 2003).

[100] Interview by Working Group with Brigadier General S. Taco Gilbert, III, Commandant, USAFA, in Colorado Springs, Colo. (Mar. 21, 2003).

[101] *Id.* at 20-21.

CASIE program differed substantially from the procedures used throughout the operational Air Force for reporting incidents of sexual assault.[102]

In August 2001, the Air Force Academy Honor Climate Assessment Task Force completed an assessment of the Academy's Honor Code, the Honor System, and the conditions surrounding the Honor System.[103] The Task Force report was provided to Chief of Staff General Ryan. Although the report did not address issues of sexual assault, it provided yet another indicator of potential problems in the culture at the Academy. The report noted confidence in the Honor System had declined and stated that "the honor environment and culture must be under constant scrutiny and frequent review by Academy leadership of its discharge of USAFA's character-building mission."[104]

2002 (18 allegations of sexual assault)[105]

General Gilbert told the Working Group that by fall 2000 he had concluded that the Academy's unique program for responding to sexual assaults was broken. General Gilbert stated that he based his conclusion, at least in part, on the fact he was not receiving information about sexual assaults reported to the Cadet Counseling Center. In his view, the Academy had built a reporting system predicated on the assumption that the chain of command could not be trusted.[106] General Gilbert said he had limited personal experience with sexual assault cases during his tenure at the Academy because the "system was specifically designed to not provide information to the Commandant."[107] General Gilbert felt that the system largely isolated him from information concerning sexual assaults. Further, he found the data he did receive was limited, portrayed as being unreliable by the people providing it and, in individual cases, devoid of useful information."[108]

---

[102] Statement of General Gilbert to the Panel in Colorado Springs, Colo. (July 10, 2003).

[103] According to the 2001 (*Report to the Chief of Staff, United States Air Force, by the Air Force Academy Honor Climate Assessment Task Force, on the Honor Code and System*) ("*Carns Report*") (Aug. 2001), 60% of cadets reject the Honor System's presumptive sanction of disenrollment. Cadets believe punishments should better fit the crime, the system of punishments is too excessive, there should be a "difference in punishments made for offenses by different classes," and that honor offenses occur on a graduated scale of severity. Almost 70% of cadets would tolerate or possibly tolerate honor violations "depending on the severity of the violation" and 78% would continue to tolerate violations as long as the presumptive sanction of disenrollment is in place.

[104] *Id.* at 1.

[105] *Working Group Report,* at 71.

[106] Interview by the Working Group with General Gilbert in Colorado Springs, Colo. (Mar. 21, 2003).

[107] *Id.* General Gilbert stated that he had knowledge of eight assaults that occurred while he was Commandant and that he reported all of them to AFOSI.

General Gilbert's experience and actions in receiving information on specific reports of sexual assaults differed from that of his immediate predecessor, General Welsh. While both encountered problems obtaining information on sexual assaults, General Welsh initiated dialogue with the CASIE Program, the Cadet Counseling Center and its Victim Advocate.[109] These actions resulted in the development of a sexual assault information tracking form that provided General Welsh basic information that he thought that he needed concerning sexual assaults. The form served as the basis for determining the need for follow-up calls to the Victim Advocate or others to receive more complete information about an incident so that he could make decisions that were consistent with his command responsibility. If the tracking form had been formally implemented, it may have resolved AFOSI's long-term concern about not receiving such information.

The Academy's sexual assault response program also delineated specific responsibilities for General Gilbert. The governing instruction for reporting sexual assaults states that the Commandant of Cadets is the Chair of the SASC. Among its responsibilities, the SASC served as the central resource for tracking and monitoring reported cases of sexual assault.[110]

Academy Instruction 51-201 expressly recognizes the Commandant's responsibilities for the safety of the Cadet Wing and requires that he will receive information in his positions both as Commander of the Cadet Wing, and as Chair of the SASC. The instruction requires that the Cadet Counseling Center immediately inform the Commandant of reported sexual assaults because the Commandant is the commander responsible for both cadet victims and cadet perpetrators. The instruction requires the Commandant to advise the Superintendent concerning the merits and limitations of authorizing an investigation.[111]

As Chair of the SASC, the Commandant had ample authority and means for receiving information about specific sexual assaults, and the scope of the overall problem at the Academy. Further, as the Chair, he was the senior officer responsible for overseeing the Academy's sexual assault response program and ensuring its effectiveness.

---

[108] Statement of General Gilbert to the Panel in Colorado Springs, Colo. (July 10, 2003).

[109] *Working Group Report*, at 140; Interview by Panel Staff with General Welsh in Arlington, Va. (Aug. 28, 2003).

[110] USAFA Instruction 51-201 (Apr. 18, 2000).

[111] *Id.*

In his statement to the Working Group, General Gilbert indicated a general understanding of the procedures a victim would follow to report a sexual assault incident. Yet General Gilbert believed, based on the practice in effect at the Academy, that the Vice Commandant was the official Chair of the SASC.[112] He did not know that Academy Instruction 51-201 made the Commandant of Cadets the Chair of the SASC, and had either little knowledge or incorrect information as to its authority, responsibility and operating procedures. General Gilbert was told and apparently believed that the Academy's sexual assault response program was designed to keep the Commandant out of the loop to receive information.[113] Although the Panel does not question that General Gilbert held these beliefs, he did little to examine their legitimacy or pursue the information he required as Commandant.

In the fall of 2002, General Gilbert proposed several solutions to the Superintendent concerning sexual assault response programs that were not implemented during his tenure, but which are incorporated in the *Agenda for Change*. Among these was his preference that the Department of Behavioral Sciences and Leadership, which included the Cadet Counseling Center, be moved under the Training Wing to allow the Commandant to receive information that he needed to make decisions. At the suggestion of General Dallager, General Gilbert spoke to Brigadier General David Wagie, Dean of Faculty, under whose control the Cadet Counseling Center operated. General Wagie disagreed with the proposal and the proposed change was not made.[114]

According to the *Working Group Report*, attention to the SASC waned in 2001, during which the Committee switched to a quarterly meeting schedule.[115] Apparently, the SASC only met three times in 2001 and twice in 2002. During General Dallager's 33-month tenure as Superintendent, there were four Vice Commandants, serving as the Committee's Chairman and three Chiefs of Sexual Assault Services. As a result of these changes, there was little coordination of the Academy's sexual assault response program during the years immediately before the current controversy came to public attention.

During his interview with the Working Group, General Gilbert discussed the Social Climate Surveys and Sexual Assault Surveys administered by the Academy to the Cadet Wing between 1998 and 2003. General Gilbert told the interviewer that he was unaware of the 2001 Sexual Assault Survey in which 167 cadets reported they had been sexually assaulted since coming to the Academy. General Gilbert also denied knowing about the 2002 Sexual Assault Survey in which 80 cadets indicated that they had been assaulted after arriving at the Academy."[116]

---

[112] *Working Group Report*, at 141.

[113] *Id.*

[114] Interview by the Working Group with General Gilbert in Colorado Springs, Colo. (Mar. 21, 2003).

[115] *Working Group Report*, at 21.

In May 2002, Colonel Laurie S. Slavec assumed command of the 34th Training Group. In that position, Colonel Slavec was responsible for the day-to-day training, management and support of the Cadet Wing and staff.[117] Several cadet victims reported to the Working Group and the Panel that, during Colonel Slavec's tenure, they were afraid to report instances of sexual assault. The cadets expressed concern that they and other cadet witnesses would be punished for disciplinary infractions, such as underage drinking or fraternization, arising in connection with the assault or which might be revealed through investigation of the assault.

The Panel questioned Colonel Slavec about whether she had taken disciplinary action against female cadets who alleged sexual assault and Colonel Slavec responded that, "there were never any victims who served punishments that claimed sexual assault."[118] Academy officials later clarified this statement and indicated that, although actual punishment had not been imposed, certain sexual assault victims received notice that they were under investigation for disciplinary violations. In some of the cases, the victims were placed on restriction while the matter was under review. It is not difficult to understand how a cadet could perceive the loss of liberty as punishment, nor is it difficult to understand how this practice could discourage cadets from reporting that they were victims of sexual assault.

According to General Gilbert, in September 2002 he began to hear concerns about Colonel Slavec's ability to get along and communicate with other senior leaders at the Academy.[119] General Gilbert had several conversations with Colonel Slavec about her "bedside manner" and ability to work through issues.[120] Colonel Slavec's manner did not improve and by February 2003, General Gilbert began working to replace her.[121]

As of 2002, the officer with the greatest experience and responsibility for the sexual assault response program was General Wagie.[122] The Dean of Faculty was directly responsible for the Cadet Counseling Center and the CASIE program, for conducting surveys and compiling data and for the Center for Character Development. Additionally, General Wagie had been assigned to the Academy in various positions since 1987 and chaired the Social Climate Process Action Team.[123] General Wagie was the key member of the Academy's senior leadership who was aware of the sexual assault survey data and the number of cases reported to the Cadet Counseling Center. He had a unique perspective to appreciate the significance of the data, but failed to take the action expected of someone in his leadership position.

---

[116] Interview by the Working Group with General Gilbert in Colorado Springs, Colo. (Mar. 21, 2003).
[117] Air Force Academy Press Release #125 (May 22, 2002).
[118] Statement of Colonel Laurie S. Slavec, USAF, to the Panel in Colorado Springs, Colo. (July 11, 2003).
[119] Interview by the Working Group with General Gilbert in Colorado Springs, Colo. (Mar. 21, 2003).
[120] *Id.*
[121] *Id.*
[122] *Working Group Report*, at 153.

Throughout 2002, Senator Wayne Allard (R-CO) brought several issues of sexual misconduct to the attention of Academy leadership.[124] In May 2002, an attorney representing the family of a 13-year-old girl who was sexually assaulted by a first-class cadet contacted Senator Allard. The girl's family was displeased with the Academy's handling of the case. In response to this allegation, Senator Allard sent members of his staff to meet with Academy leaders.[125] In June 2002, a female Academy instructor contacted Senator Allard's office regarding inappropriate behavior at an official English Department Dinner. The complaint involved a sexually-explicit skit that cadets performed and that English Department officials previously approved.[126]

In June 2002, during a Board of Visitors meeting, Senator Allard requested information on the Academy's sexual assault response program and expressed concern about potential sexual misconduct at the Academy.[127] In September 2002, Senator Allard received an e-mail from a cadet's parent providing troubling information about the environment at the Academy, especially with regard to the vulnerability of female cadets. Senator Allard forwarded the e-mail with the parent's accompanying suggestions to General Dallager.[128]

2003 – The Secretary and Chief of Staff Address the Problem

As a result of the media attention generated when the current scandal surfaced, the Air Force moved swiftly to address the problem of sexual assault at the Academy. In March 2003, Air Force Secretary Roche and Air Force Chief of Staff General Jumper announced an *Agenda for Change* to implement a series of directives and policy improvements at the Academy. Overall, the *Agenda for Change* corrects many of the conditions that contributed to an environment which increased the opportunity and likelihood for sexual misconduct. The *Agenda for Change* is a blueprint and should be viewed as only the initial step in reversing years of institutional inaction.

---

[123] *Id.*
[124] Statement of Senator Allard to the Panel in Washington, D.C. (June 23, 2003).
[125] *Id.*
[126] *Id.*
[127] *Id.*
[128] *Id.*

In April 2003, Secretary Roche announced the retirement of Lieutenant General John R. Dallager, Superintendent of the Academy, and the reassignment of Commandant Brigadier General S. Taco Gilbert III, the Vice Commandant, Colonel Robert D. Eskridge,[129] and the Training Wing Commander, Colonel Laurie S. Slavec. Three months later, on July 11, 2003, Secretary Roche announced General Dallager's retirement at the grade of Major General, rather than as a Lieutenant General. According to the press release announcing the retirement at a lower grade, General Dallager failed to exercise "the degree of leadership expected of commanders," and "should have taken notice of the indicators of problems and he should have aggressively pursued solutions to them."

In April 2003, Secretary Roche replaced the Academy's leadership with a new leadership team comprised of Lieutenant General John W. Rosa, Superintendent; Brigadier General Johnny A. Weida, Commandant of Cadets; and Colonel Debra D. Gray, Vice Commandant of Cadets. Since then, General Rosa and his staff have begun implementing changes in the Academy's culture, military training, living environment and sexual assault reporting processes. The changes have not been completed, but the *Agenda for Change* begins to put the Academy back on track.

In June 2003, after completing her investigation of sexual assault at the Academy, Air Force General Counsel Mary L. Walker released *The Working Group Report*. The *Working Group Report* covers many aspects of cadet life, Academy policies and sexual assault reporting procedures in place at the Academy during the last ten years. However, it fails to examine the responsibility of Air Force leadership to provide oversight on the operation of the Academy. Many of the meetings and discussions detailed in this chronology are either completely omitted or only obliquely referenced in the report. It is simply not plausible that the Working Group was unaware of the many instances of involvement by Air Force leadership discussed above, particularly in view of the fact that the same officials involved in these numerous matters -- including the Inspector General, Surgeon General, Judge Advocate General and Commander of the AFOSI -- were members of the Working Group. Moreover, the lead attorney on the Working Group staff had to have been aware of many of these instances of Air Force leadership involvement since he chaired the 2000–2001 review conducted by the Sexual Assault Policy Working Group.[130]

---

[129] Colonel Robert D. Eskridge, USAF, had assumed the duties of Vice Commandant in December 2002.

Despite the considerable evidence of long-term knowledge by the Air Force, and the persistence of sexual misconduct problems at the Academy, the Working Group concluded that there was "no systemic acceptance of sexual assault at the Academy [or] institutional avoidance of responsibility"[131] The Panel cannot agree with that conclusion given the substantial amount of information about the sexual assaults and the Academy's institutional culture that was available to leaders at the Academy, Air Force Headquarters and to the Office of the Air Force General Counsel.

B. Accountability

This Panel is concerned about the lack of accountability of Air Force leaders in Colorado Springs and in Washington, D.C. The Air Force and the Academy cannot fully put this unfortunate chapter behind them until they understand and acknowledge the cause.

The Panel is aware of the difficulty in holding accountable those who long ago left their positions of responsibility and now are beyond reach of the Department of Defense. However, in order to make clear the exceptional level of leadership performance expected of future leaders and to put the failures of recently removed Academy leadership in perspective, there must be further accounting. To the extent possible, the failures of the Academy and Air force Headquarters leaders over the past ten years should be made a matter of official record.

The significance of the detailed chronology of high-level meetings, working groups, studies and numerous indicators of a sexual assault problem at the Academy is that (1) both Academy and Air Force leadership knew or should have known of the situation throughout the ten years before the recent media attention; and (2) despite the indications of a problem and considerable periods of activity, the Air Force failed to maintain systemic oversight of the issue and to develop a comprehensive approach to solving the problem.

---

[130] William K. At Lee, the lead attorney for the Working Group team, was aware of at least some of these meetings and discussions because he chaired the 2000-2001 review conducted by the Sexual Assault Policy Working Group. *See*, for example, Memorandum from Don W. Fox, Deputy General Counsel (Fiscal & Administrative Law), to Mary L. Walker, Air Force General Counsel (Undated).

[131] *Working Group Report*, at ii, vii, &165.

Other than the reassignment of recent Academy leadership and retiring the immediate-past Superintendent in a lower grade, the Air Force has not held any member of the Academy or Air Force Headquarters leadership accountable for a decade of ineffective action or in many cases inaction, concerning sexual assaults and the culture that tolerated them.

The failure of the Academy and Air Force Headquarters leadership to respond aggressively and in a timely and committed way to eliminate the causes of serious problems was a failure of leadership. Those responsible should be held accountable.

1. Air Force Headquarters Leadership

While the record is not complete, the evidence before the Panel shows that the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action. It may be impossible to ever fully know what the Air Force leadership knew or suspected about sexual assault problems during the past ten years. Nonetheless, the Panel has uncovered substantial information showing that Air Force Headquarters had serious and repeated indicators of a problem. If Air Force Headquarters did not act on this information, or did so tepidly, it should be held accountable for avoiding its responsibility and accepting sexual misconduct as an unavoidable condition at the Academy.

While the record is not complete, the evidence before the Panel shows that the highest levels of leadership had information about serious problems at the Academy, yet failed to take effective action.

It is clear that Air Force Headquarters continually deferred to the Academy and did not intercede, even without tangible evidence of progress on sexual misconduct issues. An example of Air Force Headquarters culpability is the failure to monitor the unique confidential reporting program that had the potential of interfering with the ability to investigate sexual assaults at the Academy. The decision to allow the Academy to use a program that differed from the one established in the regular Air Force carried with it the obligation to make sure that the program served the interests and safety of female cadets. Air Force Headquarters officers who knew or had reason to know of the problems at the Academy, but who failed to act, bear their share of the responsibility.

2. Academy Leadership

During his appearance before the Panel, Secretary Roche acknowledged the possible unfairness of holding recent leaders accountable for an institutional climate that evolved over time. Although the immediate past leaders of the Academy cannot be blamed for the situation they found when they arrived at the Academy, they should be accountable for any failures of leadership that occurred on their watch. Clearly, the leaders who arrived at the Academy had lengthy service in the operational Air Force and should have been vigilant in evaluating the Academy's non-standard sexual assault reporting procedures. The fact that the Academy's program departed from the procedures used in the regular Air Force should have heightened the Academy leadership's awareness of the potential for unintended consequences.

General Dallager and General Gilbert failed to exercise the judgment, awareness and resourcefulness necessary to realize that there was a sexual misconduct and social climate problem in their command that directly impacted the welfare and safety of their cadets. The Panel is unimpressed with assertions made by some that General Dallager and General Gilbert should not be held accountable for an institutional culture they inherited. The responsibilities of command required that Academy leaders take the necessary steps to understand the scope and dimensions of the issue and be suitably informed to take appropriate actions.

Major General John R. Dallager

The Panel concurs with the decision of the Secretary of the Air Force to retire General Dallager in a lower grade. General Dallager failed to exercise the degree of leadership expected of commanders. He did not recognize indicators of problems, nor did he aggressively pursue solutions to those problems. Having been at the helm of the Academy for several years prior to the recent allegations, General Dallager is the Academy leader bearing ultimate responsibility for the failure to adequately respond to sexual assault issues.

Brigadier General David A. Wagie

Air Force leadership has not taken any action to address the accountability of General Wagie, and he continues to serve as the Academy's Dean of Faculty. General Wagie was the officer at the Academy who had the most responsibility for the sexual assault response program and the administration of Social Climate Surveys. Although year after year the Academy declared the surveys to be statistically invalid, General Wagie never acted to correct the survey tool. This failure of responsibility interfered with the command's ability to accurately assess the extent of the sexual misconduct problem in the Cadet Wing.

The "invalid" surveys offered startling indicators of a problem that were ignored by General Wagie and Academy leadership. General Wagie was the supervisor for the Cadet Counseling Center and conducted bi-weekly meetings with the head of the Counseling Center. Accordingly, he knew or should have known about the numbers of sexual assaults reported by Academy cadets.

General Wagie had considerable institutional knowledge of the nature and extent of the Academy's sexual misconduct problems due to his responsibilities and lengthy tenure at the Academy spanning 16 years. He held a key leadership position, yet failed to recognize the problems and take appropriate action. General Wagie failed to execute his full responsibilities and contributed to mission failure.

Brigadier General S. Taco Gilbert III

General Gilbert failed to fully ensure the safety and security of the cadets under his command. Like General Dallager, General Gilbert failed in his leadership responsibilities by not seeking to acquire information on sexual misconduct issues and by failing to take responsibility for finding solutions. As the commander responsible for the safety of the Cadet Wing, it is not enough for General Gilbert to say that others were in charge of the Academy's sexual assault response program. General Gilbert had the responsibility to be informed about sexual assault and gender climate issues at the Academy, and he did not take the steps required to become fully informed. His inaction in this regard jeopardized the safety and security of the cadets under his command with respect to sexual misconduct issues.

The Academy's instruction mandates that the Cadet Counseling Center inform the Commandant of a reported sexual assault immediately "because the Commandant is the commander responsible for both cadet victims and cadet perpetrators. This General Officer must ensure the safety of each cadet and the good order and discipline of the entire Cadet Wing."[132] That same instruction put General Gilbert in charge of the Academy's Sexual Assault Services Committee, but apparently General Gilbert failed to learn about this key responsibility. The Panel understands the practice at the Academy before General Gilbert's assumption of command gave responsibility for the SASC to the Vice Commandant. Nevertheless, as the senior commander, General Gilbert was obligated to take charge of sexual misconduct issues. General Gilbert failed to execute his responsibilities and directly contributed to mission failure.

---

[132] USAFA Instruction 51-201, § 2.8.1.2.1.

General Gilbert also bears responsibility for the shortcomings of his subordinate commander, Colonel Laurie S. Slavec. General Gilbert knew of the perception at the Academy that Colonel Slavec's disciplinary style was "overly draconian, and not fair."[133] General Gilbert advised that he was working to replace Colonel Slavec at the time they were reassigned.[134] Notwithstanding General Gilbert's stated concerns about Colonel Slavec's performance, he awarded her a meritorious service medal on April 15, 2003 praising her "intensive mentorship of cadets, active duty, and civilians [that] had a positive impact on and will continue their on-going growth for years to come."[135]

The Panel believes that General Gilbert failed to execute his command responsibility concerning consistent supervision of a subordinate commander. He cannot credibly say he was trying to remove Colonel Slavec from command early, and then present her with official recognition of meritorious performance.

Colonel Laurie S. Slavec

Colonel Slavec was overly aggressive in discharging her command responsibilities and alienated AOCs, MTLs and cadets. Although Colonel Slavec sought to enforce disciplinary standards, she contributed to the breakdown of good order and discipline within her command by taking such aggressive actions that her subordinates viewed her as unfair and overly harsh. Specifically, she created an environment where the perception of fear, punishment and reprisal among the staff and cadets became an accepted reality. Colonel Slavec's leadership style and treatment of some victims of sexual assault had a negative impact on the willingness of cadets to report incidents of sexual assault.

Additionally, while Colonel Slavec was in the first line of responsibility for enforcing disciplinary standards, she was unaware of the definition of sexual assault, held her own definition of a "true rape" as requiring some level of violence, and seemed to hold the attitude that cadets claimed sexual assault only to receive amnesty.[136] As the member of the leadership team closest to the Cadet Wing, Colonel Slavec was in a key position to become aware of the problem of sexual assaults. Instead, her inflexible and insensitive attitudes and actions exacerbated problems in the Cadet Wing. Colonel Slavec failed to establish a safe and secure military training environment and failed to execute her command responsibilities in a fair and impartial manner. Through her ineffective leadership, Colonel Slavec directly contributed to mission failure.

---

[133] Interview by Working Group with General Gilbert in Colorado Springs, Colo. (Mar. 21, 2003), at 74.
[134] *Id.*
[135] Meritorious Service Medal Citation, Colonel Slavec (Apr. 15, 2003).
[136] Statement by Colonel Slavec to Working Group in Colorado Springs, Colo. (Mar. 20, 2003), at 37-38.

3. Recommendation

The Chief of Staff of the Air Force has advised this Panel that the issue of accountability among the replaced senior leadership team at the Academy is ongoing. He indicated that he was awaiting the results from the DoD IG and Air Force IG investigations on sexual misconduct allegations before taking final actions. The Panel is concerned, however, that at least one member of the replaced Academy leadership team received a medal in recognition of her performance while assigned to the Academy. The award of a medal to an individual who is still under scrutiny, and in advance of the issuance of the DoD IG and Air Force IG reports, seems premature at best.

The Panel is also concerned about the seeming inability of the Air Force to adequately investigate itself. While the Air Force General Counsel's Working Group conducted a thorough investigation of the Academy, it completely failed to address one of the most significant contributors to the current controversy — ineffective oversight by Air Force leadership. Members of the Working Group knew about the prior involvement of Air Force leadership since they or their offices were engaged in the issues over the past ten years. Yet the General Counsel apparently made a determination not to include any of this information in the *Working Group Report*. Instead, the General Counsel left the matter for another study and another day.[137]

---

[137] The *Working Group Report* named twelve areas for further study because the areas were beyond the scope of the report or there was insufficient time for adequate study. The last area recommended for further study was Air Force Headquarters: "Consider to what extent the Headquarters Air Force has been and should be involved in the oversight of the sexual assault and sexual harassment issues in the Air Force, including the Academy." *Working Group Report*, at 175-176.

The Panel recommends that the DoD IG conduct a thorough review of the accountability of Academy and Air Force Headquarters leadership for the sexual assault problems at the Academy over the last decade. This review should include an assessment of the actions taken by leaders at Air Force Headquarters as well as those at the Academy, including General Gilbert, General Wagie and Colonel Slavec. The review should also consider the adequacy of personnel actions taken, the accuracy of individual performance evaluations, the validity of decorations awarded and the appropriateness of follow-on assignments.[138] The Panel further recommends that the DoD IG provide the results of the review to the House and Senate Armed Services Committees and to the Secretary of Defense.

---

[138] *See*, for example, Memorandum from Secretary Widnall to the Secretary of Defense (Aug. 11, 1995).

IV. COMMAND SUPERVISION AND OVERSIGHT OF THE ACADEMY

During the last decade, attention to the Academy's sexual assault problems ebbed and flowed depending on the interest of the leadership in place at any given time and according to other competing demands for time and resources. The transitory nature of Academy leadership assignments disrupted institutional knowledge and the ability to anticipate and find long-term solutions for complex problems like sexual misconduct. For example, over the past twenty years, Superintendents have served for an average of three years, and Commandants of Cadets typically have served for 18-24 months. At the same time, due to the demands on the Air Force Chief of Staff posed by military operations and other matters, Air Force Headquarters' supervision of the Academy was not always direct or consistent.

This problem in command supervision co-existed with a lack of effective external oversight. Meetings of the Academy's Board of Visitors were not well attended by its members, and the Academy generally shared only good news with the Board. The result was the Board either did not know about sexual misconduct at the Academy until it became the subject of media scrutiny or, in certain instances, unquestioningly accepted Academy assurances that matters were under control. In addition, the Air Force IG did not conduct any inspections of the Academy during the last ten years other than in response to individual complaints. While the Air Force IG regularly conducts compliance investigations of the Major Air Force Commands every three years, the Academy was excluded from such inspections.

The predictable consequence of the combination of leadership turnover, inconsistent command supervision and lack of external oversight was that the Academy was deprived of long-term solutions to the complex problem of sexual assault. Improved supervision and oversight structures are necessary.

A. Command Supervision of the Academy

Currently, the Superintendent of the Academy reports directly to the Chief of Staff of the Air Force and the Secretary of the Air Force.[139] In his June 23, 2003 appearance before the

---

[139] The same chain of command exists for the other Service Academy Superintendents. The Superintendent of West Point reports to the Army Chief of Staff per AR 210-6 (July 26, 2002), sec. 1-6; Dept of the Army, General Order No. 3 (10 Feb. 1977); AR 10-70 (Aug. 15, 1980), sec. 5; and the Superintendent of the Naval Academy reports to the Chief of Naval Operations (OPNAVINST5450.330 (Feb. 14, 1992), ¶ 3; and OPNAVNOTE 5400 (June 18, 2003), Encl. (4), at 69)).

Panel, Secretary Roche asked the Panel to review the continuation of the command relationship. Secretary Roche noted both the Chief of Staff and the Secretary are involved in numerous other matters and may not be able to devote as much detailed and immediate attention to Academy issues as could an intermediate commander such as the Air Education & Training Command. The Panel has learned that the Air Force is no longer pursuing this proposal.

On August 14, 2003, Secretary Roche directed the Assistant Secretary of the Air Force for Manpower and Reserve Affairs ("SAF/MR"), Michael L. Dominguez, to prepare and implement other oversight processes. In the Memorandum,[140] Secretary Roche directed the Assistant Secretary to work with the Academy Superintendent to ensure effective implementation of the lessons of the *Working Group Report* and the *Agenda for Change*. The Secretary directed the Assistant Secretary to establish and maintain effective processes for substantive review and consideration of the Working Group's recommendations to ensure continuing Air Force Headquarters oversight of the Academy's implementation of the *Agenda for Change* and the Working Group's recommendations. The Secretary further directed the establishment of "*permanent processes* to insure that the Secretary and Chief of Staff of the Air Force are frequently, regularly and adequately informed of significant matters relating to sexual assault and sexual harassment at the Academy" (emphasis added).[141]

At the same time that it publicly released the August 14, 2003 Memorandum, the Air Force also released a plan for ensuring implementation of the *Agenda for Change*, the results of the *Working Group Report*, and "any agreed to recommendations of the Fowler Commission." According to the Deputy Assistant Secretary of the Air Force, Force Management & Personnel ("SAF/MRM"), the three main points of the plan are oversight, support and assessment.

The plan sets certain milestones and establishes a management apparatus which includes a General Officer Steering Committee, an Executive Steering Group and a Project Manager. The Executive Steering Group consists of the Vice Chief of Staff of the Air Force, the SAF/MR, the Air Force General Counsel and the Academy Superintendent, and most likely will evolve into a permanent structure providing oversight to the Academy. The plan contains a one-year expiration date, which will likely be extended next year.[142]

---

[140] Memorandum from Secretary Roche to Michael L. Dominguez, Assistant Secretary of the Air Force for Manpower and Reserve Affairs (Aug. 14, 2003) (Subject: "Oversight of Implementation of the Academy *Agenda for Change* and Recommendations of the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the Air Force Academy").
[141] *Id.*

The Panel believes that the management plan set forth above could provide the supervision required by the Academy if the Air Force were to institutionalize the plan as a permanent oversight structure.

The Assistant Secretary is considering other initiatives to provide continual oversight of the Academy, including the following: the Air Force Chief of Staff's annual climate survey shall now include the Academy; the Air Force IG shall conduct regular compliance inspections of the Academy at least every three years; the Air Force Auditor General shall conduct regular audits of the Academy; the function of liaison with the Board of Visitors shall be moved from the Academy to the Air Force Secretariat; and there shall be additional emphasis on Academy issues at all CORONAs,[143] especially the Fall CORONA held at the Academy. In addition, the Panel has been advised that the Air Force is drafting a directive to establish a permanent performance management system, including specific goals, for the Academy.

The Panel is concerned that the processes and procedures are not yet embodied in a permanent organizational structure.

The Panel finds these initiatives represent significant efforts by senior Air Force leadership to monitor and oversee the implementation of processes and procedures for sexual assault prevention and response recommended in the *Working Group Report* and directed by the *Agenda for Change*. However, the Panel is concerned the processes and procedures are not yet embodied in a permanent organizational structure. **Accordingly, The Panel recommends that the Secretary of the Air Force adopt the management plan announced on August 14, 2003, including the creation of an Executive Steering Group, as the permanent organizational structure by which senior Air Force leadership will exercise effective oversight of the Academy's deterrence of and response to incidents of sexual assault and sexual harassment.**

In addition to maintaining an Air Force entity external to the Academy to provide effective oversight, it is important to ensure that the tenures of key Academy personnel are sustained for an appropriate period of time to provide an effective balance between the need for stability and the need for reinvigorated leadership. The Panel is concerned that the short tenures of the prior Superintendents and the Commandants of Cadets contributed to a lack of continuity in leadership that prevented the Academy from achieving enduring solutions to its sexual misconduct problem. **Accordingly, the Panel recommends the Air Force extend the tour length of the Superintendent to four years and the tour length of the Commandant of Cadets to three years in order to provide for greater continuity and stability in Academy leadership.**

---

[142] Interview by Panel Staff with Assistant Secretary Dominguez in Arlington, Va. (Sept. 8, 2003).

[143] CORONA meetings are attended by the Secretary and Chief of Staff of the Air Force, all Assistant Secretaries, the General Counsel, all four-star Air Force generals, and the Superintendent of the Academy.

Conversely, the Panel is concerned that the Dean of Faculty may have become too ingrained in the Academy's institutional culture to have fully appreciated the indicators of a sexual misconduct problem. Currently, it is a statutory requirement that the Dean of Faculty be appointed from among the permanent professors who have served as heads of departments of instruction.[illegible] This requires the Dean of Faculty position be filled by an individual who has already served at the Academy for some time and it precludes expanding the pool of potential candidates to qualified individuals outside of the Academy. **Accordingly, the Panel recommends that the Air Force prepare a legislative proposal to revise 10 U.S.C. § 9335(a) to expand the available pool of potential candidates for the position of Dean of Faculty beyond the current limitation to permanent professors.**

B. External Oversight – The Board of Visitors

Statutorily established by 10 U.S.C. § 9355,[illegible] the Academy's Board of Visitors consists of fifteen members.[illegible] Representative Joel Hefley (R-CO), the Vice-Chair, is currently the Acting Chairman. The next scheduled meeting of the Board of Visitors is October 10-12, 2003 at the Academy. This is the Board's annual visit to the Academy mandated by 10 U.S.C. § 9355 (d). The Board is required to submit a written report to the President describing its actions, views

---

[illegible] 10 U.S.C. § 9335(a) (2003) provides that the "Dean of Faculty shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy."

[illegible] The Naval Academy and West Point have similar statutorily established Boards of Visitors. *See*, 10 U.S.C. § 6968 (2003) (Naval Academy); and 10 U.S.C. § 4355 (2003) (West Point).

[illegible] These members include four senators (one appointed by the Chairman of the Armed Services Committee; three designated by the Vice President or President pro tempore of the Senate, two of whom are members of the Appropriations Committee); five representatives (one appointed by the Chairman of the Armed Services Committee; four designated by the Speaker, two of whom are members of the Appropriations Committee); and six persons designated by the President. The Presidential appointees serve for 3-year terms, while each of the Congressional appointees serve annually, but may be, and often are, reappointed.

and recommendations pertaining to the Academy within sixty days after its annual visit. The statute requires the Board to "inquire into morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider."[147]

The Board of Visitors has come under considerable criticism for its perceived shortcomings, both in the context of sexual assault at the Academy and in working to identify the Academy's needs. In his appearance before the Panel on July 23, 2003, Senator Allard, a member of the Board of Visitors, stated that the Board of Visitors was established to provide oversight of the Academy, but the members were usually provided only a slide show stating the institution's accomplishments, met with only one or two hand-picked cadets and were taken on a tour of the Academy. Senator Allard also expressed his view that being a member of the Board of Visitors "should not be merely a ceremonial honor. Membership should come with responsibility and commitment to make oversight of the Academy a top priority."[148]

The Board of Visitors has come under considerable criticism for its perceived shortcomings, both in the context of sexual assault at the Academy and in working to identify the Academy's needs.

In his June 23, 2003 appearance before the Panel, Secretary Roche noted the Board of Visitors was composed of busy people donating their time, still he made clear his disappointment in the Board's oversight.[149] He stated his desire that the Board be more akin to a board of directors of a firm, responsible to the "shareholders" of the Academy, *i.e.*, the U.S. taxpayers, which it currently is not.

The Academy's Director of Plans & Programs, Colonel James W. Spencer, advised that typical attendance at the Board's meetings is low.[150] Some Board members have apparently not attended any meetings, while others are credited with attending the entirety of multi-day meetings at which they were present for only a few hours or less. Attempts to hold meetings in Washington, D.C. to accommodate the schedules of Congressional members, including scheduling meetings in August during the Congressional recess, did not substantively improve attendance. Less than one-half of the Congressional members typically attend, while two-thirds of the civilian (Presidential appointee) members attend. In 2001, the Board of Visitors had no formal meeting. Colonel Spencer also noted that the Academy has found it difficult to get the Board to approve agendas for and reports of its meetings, even though the Academy would prepare proposed drafts for the Board's input, approval and criticisms. The Academy has also had problems in getting the Board to address issues deemed substantive or important by the Academy, and has found that the meetings often tended to be social gatherings.

---

[147] 10 U.S.C. § 9355(e).

[148] Statement of Senator Allard to the Panel in Washington, D.C. (June 23, 2003), at 28-29.

[149] Statement of Secretary Roche to the Panel in Washington, D.C. (June 23, 2003), at 49-98.

[150] Interview by Panel Staff with Colonel James W. Spencer, Director of Plans and Programs, USAFA, in Colorado Springs, Colo. (July 10, 2003).

University trusteeship (in Academy terms, membership in the Board of Visitors) imposes important fiduciary responsibilities. Each candidate for appointment to the Board of Visitors should be considered with particular emphasis on his or her willingness to undertake these responsibilities. All current members should be reminded of them. Their discharge must be regular, reliable and well informed.

Upon selection, each new member should meet with the Chairman of the Board for a presentation on the new member's duties. Among these duties are regular attendance at all Board meetings, the number to be increased to four annually; careful preparation for each meeting; assignment to one or more sub-committees of the Board; and preservation of a vigilant, probing frame of mind — one not satisfied with being "fed" information by the institution, but one which scrutinizes all aspects of the Academy.

Informed trustees of universities, invariably leaders in their own fields of endeavor and communities, are in a strong position to represent the institution and to accurately answer questions about it; and, they cultivate an objective frame of mind in considering various issues at the institution as they arise. University trusteeship is the academic equivalent of corporate Governance in business, and the principles applying to the latter offer guidance to the former.

The Board of Visitors should establish regular visits with randomly-chosen groups of cadets, male and female, from all classes, for an hour or two during each Board meeting at the Academy. It is not enough to have a meal with the Wing staff, one or two carefully selected Rhodes scholars, or the Head of the Cadet Honor Court.

The Academy is a great national military school — a form of small university continuing to attract the ablest of our young people — young women and men of character, intelligence and patriotism. Such an institution demands a Governing board of singular commitment and trust. The information provided to the Panel paints an entirely different picture regarding the Board of Visitors which, to date, has provided little effective oversight of gender issues, the attitude and climate concerning women and the existence and handling of sexual assault and other sexual misconduct at the Academy.

The Panel's recommended changes to the composition of the Board of Visitors and for improving its functioning pertain only to the Air Force Academy Board of Visitors. Air Force Headquarters is currently considering the establishment of effective mechanisms for the oversight of the Academy, including a revitalized role for the Board of Visitors. **In furtherance of this revitalization, the Panel recommends that the Board of Visitors:**

- **Operate more like a corporate board of directors with regularly organized committees charged with distinctive responsibilities (*e.g.*, academic affairs, student life, athletics, etc.). The Board shall meet not less than four times per year, with at least two of those meetings at the Academy. To the extent practical, meetings shall include at least one full day of meaningful participation and shall be scheduled so as to provide the fullest participation by Congressional members. Board members must have unfettered access to Academy grounds and cadets, to include attending classes and meeting with cadets informally and privately; and**
- **Receive candid and complete disclosure by the Secretary of the Air Force and the Academy Superintendent of all institutional problems, including but not limited to, all gender related matters, cadet surveys and information related to culture and climate and incidents of sexual harassment and sexual assaults.**

The Panel also recommends that the Air Force prepare a legislative proposal to revise 10 U.S.C. § 9355. The suggested revisions should include both the foregoing and following recommendations:

- **Changing the composition of the Board to include fewer Congressional (and, therefore, more Presidential-appointed) members, more women and minority individuals and at least two Academy graduates;**
- **Requiring that any individual accepting an appointment as a Board member pledge full commitment to attend each meeting of the Board, and to carry out all of the duties and responsibilities of a Board member, to the fullest extent practical;**

- **Terminating any Board member's appointment for failing to attend or fully participate in two successive Board meetings, unless granted prior excusal for good cause by the Board Chairman;**
- **Providing clear oversight authority of the Board over the Academy, and direct that, in addition to the reports of its annual meetings required to be furnished to the President, it shall submit those reports and such other reports it prepares to the Chairmen of the Senate and House Armed Services Committees, the Secretary of Defense and the Secretary of the Air Force, to identify all matters of the Board's concerns with or about the Air Force Academy, and to recommend appropriate action thereon; and**
- **Eliminating the current requirement for Secretarial approval for the Board to visit the Academy for other than annual visits.**

C. External Oversight – Congress

The Panel is cognizant of the critical role of Congressional oversight of the Executive branch of Government. The importance of that oversight is underscored by the recent problems at the Academy.

In Section III.B.3 above, the Panel recommended the DoD IG conduct a thorough review of the accountability of Academy and Air Force Headquarters leadership for the sexual assault problems over the last decade; the Panel further recommended the DoD IG provide the results of the review to the House and Senate Armed Services Committees. Additionally, the Panel encourages the Armed Services Committees to provide oversight of the results of the ongoing Air Force IG and DoD IG investigations, since neither investigation was completed during the term of the Panel.

The Panel notes that the proposed National Defense Authorization Act for Fiscal Year 2004 contains several provisions to address sexual misconduct at the Service Academies.[151] The legislation requires an annual assessment of each Academy's policies, training and procedures to prevent sexual misconduct and an annual report on sexual misconduct. The annual report must address the following matters:

---

[151] National Defense Authorization Act for Fiscal Year 2004, H.R. 1558, 108th Cong., Title V, § 534 (2003).

- The number of sexual assaults, rapes and other sexual offenses involving academy personnel that have been reported to academy officials, and the number of the reported cases that have been substantiated;
- The policies, procedures and processes implemented by the Secretary of the Military Service and the leadership of the academy in response to sexual misconduct involving academy personnel;
- The results of the annual survey; and
- A plan for the actions to be taken in the following academy program year regarding prevention of and response to sexual misconduct involving academy personnel.[152]

The legislation requires transmission of the annual report to the Secretary of Defense, the Board of Visitors and the Committees on Armed Services. The Panel is confident that this legislation shall provide a meaningful vehicle for Congressional oversight of sexual misconduct at the Service Academies and shall enhance the oversight capacity of the Boards of Visitors.

D. External Oversight – The Inspector General

The legislation establishing the Panel and setting out its duties requires the Panel to "review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General."[153] These studies include an investigation of individual cases involving sexual assault allegations at the Academy. The report of the Air Force IG is not expected to be issued until well after the date of this report. However, the Air Force IG and some of his representatives appeared before the Panel on July 31, 2003 in closed session to discuss some of the evidence collected to date. The Panel is satisfied with the Air Force IG's objectives and plan for achieving those objectives.

The DoD IG is also currently conducting an investigation and appeared before this Panel. In late August 2003, the DoD IG provided the Panel with preliminary data pertaining to its May 2003 initial survey of female cadets at the Academy, designed to indicate the scope of recent sexual assault incidents and assess the sexual assault climate at the Academy.[154] On

---

[152] *Id.*

[153] Pub. L. No. 108–11, § 501(c), 117 Stat. 559 (2003).

[154] DoD IG, *Initial Sexual Assault Survey Findings* (May 2003).

September 11, 2003, the DoD IG provided the Panel with its follow-on *Report on the United States Air Force Academy Sexual Assault Survey* ("DoD IG Survey"). The DoD IG Survey expanded on the data from the May 2003 survey. The survey of 579 female cadets in Academy classes 2003-2006 (87.9% of the total female population) found, among other things:

- 43 cadets (7.4% of all respondents) – including 15 members of the Class of 2003 (11.7% of that class) – indicated they had been victims of at least one rape or attempted rape in their time at the Academy;
- 109 cadets (18.8% of all respondents) indicated they had been victims of at least one instance of sexual assault[155] in their time at the Academy;
- Cadets indicated that only 33 (18.6%) of the 177 sexual assault incidents were reported to the authorities; 143 (80.8%) were indicated as not reported;
- 143 of the 177 sexual assault incidents were recorded by the victims as not being reported to any authority because of embarrassment (in 77 incidents), fear of ostracism by peers (in 66 incidents), fear of some form of reprisal (in 61 incidents) and the belief that nothing would be done (in 58 incidents).
- The top two reasons given for why cadets thought that victims were not reporting (after embarrassment) were fear of ostracism by peers and fear of being punished for other infractions.

Especially disturbing was the DoD IG Survey finding that 88.4% of cadets who were rape or attempted rape victims disagreed or strongly disagreed with the statement that "most cadets are willing to report a sexual assault incident regardless of loyalty to the offender."[156] The DoD IG reports that it plans to conduct a more robust survey of all three Service Academies in the fall of 2003.

The DoD IG also provided the Panel with data on sexual assaults investigated over the last 10 years extracted from the criminal investigative files at AFOSI.[157] Overall, the DoD IG found that the cases referred to the AFOSI were adequately investigated. However, delays in reporting, a factor which is outside of the control of AFOSI, adversely affected the quality of the investigations.

---

[155] The DoD IG Survey noted that the Air Force considers the definition of sexual assault used in the survey to be too broad and may result in a higher count of sexual assault incidents than is actually warranted. The DoD IG concluded, however, that the definition is not so broad as to suggest that the majority of incidents claimed were improperly classified by the respondents as sexual assault.

[156] DoD IG, *Initial Sexual Assault Survey Findings* (May 2003), at 34.

[157] DoD IG *Review of Sexual Assault Investigations at the Air Force Academy* (Aug. 26, 2003).

The DoD IG team singled out for review criminal investigations of sexual assaults reported during the period January 2000 to February 2003. There were 18 sexual assaults investigated during that period, and 6 of them concerned cadet-on-cadet (female victim) sexual assaults. One of the 18 cases contained investigative deficiencies, which the DoD IG team felt may have hindered adjudication.

As discussed above, the Air Force IG will be conducting regular compliance inspections of the Academy at least every three years. These inspections should supplement other external oversight mechanisms for the Academy.

V. ORGANIZATIONAL CULTURE AND CHARACTER DEVELOPMENT

As part of the review of the relationship between the command climate for women at the Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct and the circumstances that resulted in sexual misconduct at the Academy, this Panel examined the organizational culture of the Academy and programs aimed at character development and training which may have resulted in the failure of some cadets to live honorably — and indeed, to commit sexual assaults on their fellow cadets. This section discusses the gender climate at the Academy, including the statistical representation of women; tools for assessing the gender climate and gender bias; aspects of character development such as the Honor Code and the Center for Character Development; and cadet training.

A. Gender Climate

1. Statistical Representation

To understand the cultural elements at the Academy that contributed to the occurrence of sexual misconduct, including sexual assault and rape, there first must be an understanding of the statistical representation of women at the Academy and in the Air Force. Each year, the Academy accepts approximately 1,200 cadets into its freshman class.[158] The incoming class of 2007 has 1,302 cadets, of which 221 (17%) are women.[159] This closely matches the current gender composition of the Air Force. Following Basic Cadet Training (BCT) and the acceptance parade, all cadets are assigned to the Cadet Wing.

The Cadet Wing at the Academy is structured similar to an active duty Air Force Wing. The Wing is broken out into four Groups, and each Group is further subdivided into nine squadrons. The First-Class cadets make up the Cadet Officer leadership, and Second-Class cadets fill the Cadet Non-Commissioned Officer leadership positions. Each Squadron is assigned an active duty officer, Air Officer Commanding ("AOC"), and an active duty non-commissioned officer, Military Training Leader ("MTL"), to mentor and assist the cadet leadership and entire squadron in its training and educational missions.

---

[158] *Working Group Report*, at ii.

[159] E-mail from Colonel William Carpenter, USAF, Director of Admissions, USAFA, in response to Panel Staff inquiry (Aug. 11, 2003).

For each semester (fall and spring) for the class years 1997-2001, the Academy had, on average, 155 cadet First-Class leadership positions. Women filled an average of 24 positions, or approximately 15.5% of those positions. The actual percentage fluctuated greatly by semester, with a low of 11.3% and a high of 24.1%.[160] This year at the Academy, of the sixty-four AOCs and MTLs, five AOCs[161] and eight MTLs are women.[162] This translates to 20% of all AOCs and MTLs. The 2003 statistics represent an increase, up from 10.4% last year, which was a disproportionately low number of female role models.

While the *Agenda for Change* does not mandate quotas, it does announce personnel policy provisions that may increase the likelihood of more female role models filling the critical position of AOC. Henceforth, AOCs shall be specially selected and academically prepared to assume the unique duties of leading, mentoring and training cadets. However, the *Agenda for Change* is silent as to MTL assignment policies. **The Air Force should conduct the same review of Non-Commissioned Officer assignment policies and tour lengths at the Academy as it is conducting for officer assignments policies.**

Currently 99.7% of all Air Force positions are open to women, a higher percentage than the Navy (94%), the Army (67.2%) or the Marine Corps (62%).[163] Since restrictions on the Air Force's most prestigious combat pilot positions were lifted in 1993, the numbers of women flying fighter, bomber and special operations aircraft has steadily increased, but still remain low.[164]

---

[160] A 1993 GAO review of the representation of women in cadet leadership positions for the classes of 1988 to 1992 found that women were represented in proportion to their percentage of the Cadet Wing. GAO Report, *Air Force Academy: Gender and Racial Disparities* (Sept. 1993).

[161] Two additional female Air Officers Commanding ("AOC") are currently enrolled in the newly created graduate program, and will serve as full-time AOCs beginning next year. *See* E-mail from Major Joel A. Jones, USAF, 34th Training Wing Executive Officer, to Panel Staff (Aug. 13, 2003).

[162] In 2002, there was one female AOC and six female Military Training Leaders ("MTL"), which translates to 10.4%. *Working Group Report*, at 108.

[163] MARGARET C. HARRELL ET AL., THE STATUS OF GENDER INTEGRATION IN THE MILITARY: ANALYSIS OF SELECTED OCCUPANTS 5 (2002).

[164] For example, in 2001 there were 21 female F-16 pilots, which is 1.3% of 1,620 total in this occupation. *Id.* at 97.

This Panel believes it is critical that all cadets have a sufficient number of highly-qualified role models, both male and female, from whom they can seek guidance, gain knowledge and mirror performance. These relationships are vital to the cadets' preparation for entry into the active duty Air Force which is made up of 17.8% female officer and 19.8% female enlisted airmen, larger percentages than any other Service.[185]

This Panel believes it is critical that all cadets have a sufficient number of highly-qualified role models, both male and female, from whom they can seek guidance, gain knowledge and mirror performance.

2. *Climate Assessment Tools*

Statistics in and of themselves do not provide true insight into the actual cultural climate for women at the Academy. Social Climate Surveys, on the other hand, are a standard tool implemented by commanders across the Services to keep informed about sensitive issues and the attitudes of service members. The Academy conducted climate surveys on such issues as adherence to the Honor Code, alcohol use, fraternization and discrimination. In 1996, the surveys began to include questions on sexual assault.

These Social Climate Surveys were, in general, poorly constructed and administered. Although the Academy recognized design and sample flaws early on, these errors were repeated year after year. Academy leaders declared the surveys invalid each time and dismissed the findings. They then administered the same survey each following year. Even cadets complained in written comments on the survey about the instrument's errors (*e.g.*, the term is "MTL," for Military Training Leader, not "MTA") and the effect of its length (about 100 questions) on obtaining valid and complete surveys. Because these problems remained unaddressed from year to year, it is not surprising that some cadets doubted whether their responses could make a difference. Given the importance of these issues to the student body, the Panel is troubled that Academy leadership allowed the continued incompetence in administering these surveys.

---

[185] Roughly 15% of the Army and Navy officer and enlisted personnel are women; only 5.4% of Marine officers and 6.1% of Marine enlisted are women. *Id.* at 5.

Even given unrepresentative findings, cadet responses and written comments should have alerted leadership that improved questionnaires would provide valuable insights, and that certain issues were worthy of immediate investigation. For example, survey statements such as the following should have been cause for concern:

> *"Though I have not been subject to sexual assault, two of my friends have been during the spring semester. Both were raped by other cadets, and neither disclosed this information. I think this serves as testimony to the unstable social climate at USAFA, a fact not everyone seems conscious of."*[166]
>
> *"There's a lot of stuff that goes on here assault-wise that's not reported. I know of 2 friends of mine who have been ass[a]ulted and don't seek help or pro[s]ecution because of what they see happens to victims…."*[167]

The Panel recommends that the Academy draw upon climate survey resources at the Air Force Personnel Center Survey Branch for assistance in creating and administering the surveys. Further, the Panel recommends that the Academy should keep centralized records of all surveys, responses and reports and keep typed records of all written comments (not abbreviated or paraphrased) – to be provided as an appendix to any report. All such reports must be provided to Academy leadership.

3. Gender Bias

The Air Force has led the way in the integration of women into the Service Academies. Although integration was not mandated until 1976, in 1972 the Air Force was the sole Service to begin strategizing the integration of women.[168] During the first year of integration, the Air Force Academy accepted women as 10% of its incoming class (compared to 6% at the Naval Academy and 8% at West Point) and those women graduated at a higher rate than their counterparts at the Naval Academy and West Point.[169]

---

[166] USAFA Social Climate Survey (2002) (comment by female Fourth-Class cadet).

[167] USAFA Social Climate Survey (2002) (comment by female First-Class cadet).

[168] Although these years of advance preparation did not mean the integration proceeded flawlessly. JUDITH HICKS STIEHM, BRING ME MEN AND WOMEN: MANDATED CHANGE AT THE U.S. AIR FORCE ACADEMY (1981).

[169] *Id.*

As discussed above, only 17% of the Class of 2007 are women. Along with this gender disparity, female cadets have stepped into an environment in which approximately one in five male cadets believe women do not belong at the Academy.[170] As recently as the 2002 surveys, some male cadets took the time to respond with specific written derogatory comments regarding the presence of women at the Academy including, "even with women in the Armed Forces, they should not be at the military academies,"[171] and "women are worthless and should be taken away from USAFA."[172]

These statistics and comments are even more striking when one considers that the first women graduated from the Academy in 1980. For over a quarter of a century, nearly half of the Academy's existence, women have been part of the corps of cadets and have made significant contributions to both the Academy and the Air Force.

The Panel has also received reports that members of the graduating class of 1979 routinely attend Academy functions, including athletic events, and display license plates, caps, and t-shirts with the logo "LCWB." The logo supposedly stands for "Last Class With Balls" or "Last Class Without Bitches (or Broads)." While some may find this public display of animosity toward the presence of women at the Academy humorous, it contributes to an environment in which female cadets are made to feel unwelcome. In the Panel's view, sanctioned displays which are derogatory toward women diminish the role and value of women, fuel the attitudes described by an alarming number of male cadets in the climate surveys and contribute to an environment that is unwelcoming of women.

4. Dormitory Safety and Security

In the recently released partial findings of the DoD IG's survey of female cadets conducted in May 2003, an overwhelming majority (over 90%) indicated that they feel "very safe" or "safe" in every location at the Academy, except when "alone on the Academy grounds during hours of darkness."[173] Given that over half the investigated allegations of sexual assault occurred in the dormitories,"[174] supervision of the cadets in the dormitories, alcohol consumption and policies, and rules on emergency access to telephones served as the focus of the Panel's attention.

---

[170] This figure is according to survey results provided by the Academy for surveys conducted in 1998, 2000, 2001 and 2002. In 1998, 20.6% of the male cadets didn't believe women belonged at the Academy. In 2000, the number was 21.4%. In 2001, 20.9% of male cadets held this same belief. And, in 2002, 26.9% of the male cadets didn't believe women belonged at the Academy. (Charts showing male and female cadets' responses to these and related survey questions are included as *Appendix I.*)

[171] USAFA Social Climate Survey (2002) (comment by male Second-Class cadet).

[172] USAFA Social Climate Survey (2002) (comment by male Fourth-Class cadet).

[173] Then, 68.9% felt "very safe" or "safe"; 20% felt "somewhat safe"; and 10.9% felt "unsafe" or "very unsafe." DoD IG, *Initial Sexual Assault Survey Findings* (May 2003).

a. Supervision

Prior to the adoption of the *Agenda for Change*, the dormitories were effectively unsupervised from 30 minutes past Taps (10:30 p.m. weekdays, 12:00 a.m. on training weekends, and 1:30 a.m. on non-training weekends) until 6:00 a.m. The AOC and MTL offices are located in the dorms, but the staff would normally depart in the early evening during the week and by mid-afternoon on training weekends. A single Officer of the Day and cadet Senior Officer of the Day patrolled from 7:00 p.m. until 11:30 p.m., after which time they slept in the training wing operations center in the cadet area. According to a Deputy Group AOC, three random and periodic inspections were required of the patrol area, including the two dormitories, the cadet field house, the library, Mitchell and Arnold Halls, the cadet chapel, cadet parking lots and the gym."[175]

Each squadron had a Cadet Charge of Quarters ("CCQ") to oversee its dormitory area from 6:00 a.m. until 30 minutes past Taps. The *Working Group Report* found that even though the CCQs were charged with enforcing dorm standards, this proved difficult because they had little control over First- and Second-Class cadets, who could be superior in rank."[176] The *Agenda for Change* makes no reference to this issue.[177] The Panel is of the opinion that cadets should understand the CCQ speaks for the cadet chain of command and the AOC/MTL. If the AOC/MTL and cadet leadership support the actions of the CCQ, the system will promote the valuable purpose of providing discipline within the dormitory.

The *Agenda for Change* did increase the after-hours patrol by an AOC/MTL to 24 hours. For additional officer/NCO presence in the dorms, the Academy added four Officers of the Day (one from each group) and required patrol of the cadet area 24 hours a day. Although the Panel appreciates that patrolling will not prevent all incidents of sexual assault, the increased presence and the potential for random appearance of supervision should certainly increase the safety and security of the dormitories.

---

[174] *Working Group Report*, at 101.

[175] *Id.* at 104-105.

[176] *Id.* at 104.

[177] This Panel notes that such Charge of Quarters duty, with disparity in rank issues, is not unusual in the active force, nor is it foreign in the cadet environment. Specifically, the Panel notes that the majority of the Security Forces assigned to the Academy are technically junior in rank to any cadet. Yet, no one would doubt the authority of, for example, a Security Forces Airmen, to investigate offenses allegedly committed by cadets, or that same Airmen's authority to apprehend a cadet suspect.

b. Alcohol Consumption and Policies

At least 40% of investigated cadet-on-cadet sexual assault allegations involved the use of alcohol by the cadet suspect, the cadet victim, or both.[178] The *Agenda for Change* addressed the use of alcohol by mandating immediate disenrollment of any cadet found to have provided, purchased for, or sold alcohol to an underage cadet.[179]

The Panel is optimistic about the efforts of the new Commandant of Cadets.

Additionally, the Panel is optimistic about the efforts of the new Commandant of Cadets. General Weida told the Panel that he has placed an emphasis on encouraging staff and faculty to join the upper class cadets at "Hap's Place," [180] the sports bar located within Arnold Hall in the cadet area.[181] Senior officer attendance and participation in cadet life, to include setting the example of responsible drinking and appropriate behavior related to alcohol consumption, shall provide a valuable learning experience. We trust the staff and faculty shall follow through with this important mission. **The Panel recommends that the Academy place a renewed emphasis on education and encouragement of responsible consumption of alcohol for all cadets.**

c. Telephone Access

Some female cadets expressed concern to the Panel that gaining access to phones to register a complaint, call the hotline, or seek help for a sexual assault would be difficult or near impossible. They stated there are a limited number of phones, and expressed concern about the locations of the phones and the requirement that Fourth-Class cadets get permission to use them. Following graduation of the First-Class cadets, rising Third-Class cadets may purchase and carry cellular phones for personal use. Nearly all upper class cadets, male and female, seemed to be in possession of phones which a Fourth-Class cadet could use in an emergency. **However, to ensure the safety of every cadet, the Panel recommends that the Academy implement a policy permitting unrestricted (*i.e.*, no explanation required at any time) private access to telephones for use by any cadet, including Fourth-Class cadets, in an emergency.**

---

[178] *Working Group Report*, at 96.

[179] The *Agenda for Change* provision does not require immediate disenrollment for underage drinking.

[180] E-mail from Colonel Steven R. Eddy, USAF, to Panel Staff (Aug. 29, 2003). Hap's Place is open Monday to Thursday, from 6:30 p.m. to 10:00 p.m. for use by first-class cadets who are 21 years of age or older. On average, 50-75 cadets attend Mondays to Wednesdays and 100-150 on Thursdays, when there is either cadet entertainment or hired entertainment. A business decision keeps Hap's Place closed on the weekends due to lack of income in the past. It is, however, open the first Friday of every month now, known as "First Friday," based upon the Commandant's decision to encourage the leadership team to socialize with the cadets.

[181] Statement of Brigadier General Johnny A. Weida, USAF, Commandant, USAFA, to the Panel in Colorado Springs, Colo. (July 11, 2003).

B. Character Development

The Panel concurs with the *Working Group Report* that sexual assault in the environment of the Academy represents a failure of character,[182] and that sexual assault is a character-related problem.[183] The development of character — personal integrity — is a fundamental mission of the Academy. The cornerstone of the Academy's culture is two-fold: (1) the Honor Code; and (2) the Air Force's "Core Values." The Honor Code mandates that cadets "will not lie, steal, or cheat, nor tolerate among [them] anyone who does." The Air Force Core Values require *Integrity First, Service Before Self, and Excellence in All We Do*. The cadet environment and organizational culture at the Academy revolve around these pillars. Uniformly, the cadets with whom this Panel interacted subscribe to live by these pillars; however, by their actions, perpetrators of sexual assaults do not. Because character is a key aspect in the deterrence of sexual assault,[184] deficiencies in either the Honor Code System or in the character development programs may contribute to or foster the occurrence of sexual assault at the Academy.

1. Honor Code

The American public expects officers in all Military Services to perform their duties in our nation's defense while maintaining the highest standards of integrity. This public obligation is instilled at the Academy from the very beginning of a cadet's career through many avenues, the foremost being the Honor Code. The Honor Code is meant to represent the "minimum standard" of conduct for cadets. This minimum standard is often referred to as the "letter of the code" and is the foundation upon which each cadet builds a personal concept of professional ethics.[185]

---

[182] *Working Group Report*, at vi.

[183] *Id.* at 15.

[184] *Id.* at 26.

[185] *See* excerpt from the Honor Code Reference Handbook, *available at* http://www.usafa.af.mil/wing/34cwc/cwch/cwchmb.htm.

While cadets operate the Honor System, an active duty officer mentor supervises the process.[186] Although disenrollment is the presumptive sanction for an Honor Code violation, cadets are taught and understand that factors such as the egregiousness of the offense, the amount of time the cadet has lived under the Code (cadet class), the cadet's prior history, and any other relevant circumstances will be considered in order to determine if probation[187] is a more appropriate sanction.[188] According to a report in 2001 by General Michael P.C. Carns, USAF (Ret.), a majority of cadets hold the belief that disenrollment as the presumptive sanction for an Honor Code violation should be abandoned, especially in cases of toleration.[189] A former Academy faculty member involved with the Honor System and Character Development Program agrees with this belief,[190] and holds the view that the entire Honor System must be reworked in the light of the current sexual assault problems. This faculty member asserts that cadets are unwilling to report their peers for violations because they fear that their peers will be disenrolled.[191]

While thought provoking, these views are not consistently held by all cadets at the Academy.[192] Cadets holding positions within the Honor System, including Honor Representatives and Wing Honor Board members, were unanimous in urging that disenrollment remain the presumptive sanction for an Honor Code violation. The cadets explained that the Honor Code should not be weakened and were adamant those committing a severe honor violation are not welcome at the Academy, nor are they wanted in the Air Force.

---

[186] The officer mentor on the Wing Honor Board must be an O-4 or above and a graduate of a service Academy or have worked with cadets at the Academy for at least one year. (*See* Honor Code Reference Handbook § 2.7.6.3 at 34.) The purpose of the officer mentor at Wing Honor Board proceedings is to offer lessons and insights acquired from experience as part of the active duty Air Force. The officer mentor takes part in all proceedings of the Wing Honor Board, to include questioning the respondent and witnesses, reviewing evidence, and taking part in deliberations. The officer mentor does not have a vote in the determination of violation/no violation. *See* Interview by Panel Staff with Cadet Honor Committee Representatives in Colorado Springs, Colo. (Aug. 5, 2003).

[187] A cadet is twice given the opportunity to request Immediate Honor Probation during the honor process: when the respondent is served with the official Letter of Notification that the honor process is commencing based on an alleged violation, and immediately following a finding of violation by the Cadet Sanctions Recommendation Panel. The Request for Immediate Probation does not guarantee the Commandant will elect to retain the respondent. *See* Honor Code Reference Handbook § 2.6.3 and § 2.6.3.1 at 31.

[188] Interview by Panel Staff with Cadet Honor Committee Representatives in Colorado Springs, Colo. (Aug. 5, 2003).

[189] According to the 2001 *Carns Report*, 60% of cadets reject the Honor System's presumptive sanction of disenrollment. Cadets believe punishments should better fit the crime, the system of punishments is too excessive, there should be a "difference in punishments made for offenses by different classes," and that honor offenses occur on a graduated scale of severity. Almost 70% of cadets would tolerate or possibly tolerate honor violations "depending on the severity of the violation" and 78% would continue to tolerate violations as long as the presumptive sanction of disenrollment is in place. *Carns Report* (Aug. 2001).

[190] E-mail from Colonel Charles J. Yoos, II, USAF (Ret.), to Panel Staff (July 28, 2003).

[191] CHARLES YOOS, *BLESSENT MON COEUR D'UNE LANGUEUR MONOTONE* (Undated).

[192] Interview by Panel Staff with Cadets in Colorado Springs, Colo. (Aug. 1-5, 2003).

To live by the "spirit of the code," a cadet is expected to exceed the minimum standard and show integrity in all of his or her actions.

These cadets distinguished toleration, "allowing suspected Honor Code violations to go uncorrected"[193] from condonation, "allowing a regulations violation to go unreported."[194] The Panel agrees that such a distinction should be drawn. The Academy's Honor System is intended to focus on the behavior that it specifically prohibits. It is not intended to encompass the broader "honorable living" recommended by the "spirit of the code."

To live by the "spirit of the code," a cadet is expected to exceed the minimum standard and show integrity in all of his or her actions. Adherence to the spirit of the Code requires a cadet to go beyond the four negative commands of the Code (lying, stealing, cheating and tolerating) and do the "right thing" at all times, despite adverse pressures.[195] Thus, cadets can behave "dishonorably" without lying, stealing, cheating or tolerating someone who does.

Regular Academy disciplinary channels deal with such other "dishonorable" behavior. Cadets allowing dishonorable behavior that falls outside the prohibitions of the Honor Code are condoning, as opposed to tolerating in contravention of the Honor Code. These acts of condonation seem to have contributed to or permitted an environment in which sexual misconduct could occur at the Academy.

Air Force Academy Cadet Wing Instruction 51-201 provides a conduct standard that parallels the non-toleration clause of the Honor Code. The Academy's official position regarding condonation is that condonation is, at a minimum, in the realm of poor judgment.[196] If a cadet is found to have condoned a violation, the cadet may receive demerits and sanctions up to the amount assigned to the cadet committing the actual violation.[197]

---

[193] *See* Honor Representative Training Handbook, USAFA Fourth-Class Honor Fall Lesson 1, at 5-6.

[194] "Condonation" is defined as: "If a cadet overlooks or implies forgiveness of a violation (either at the time of occurrence or afterwards) of directives, policies, or instructions and/or fails to take immediate action, he/she has condoned that misconduct. For example, a cadet is guilty of condonation if he/she knew or should have known that an individual was consuming alcohol underage or knew the cadet driver had consumed alcoholic beverages prior to operating a vehicle while impaired or intoxicated but failed to take action to stop the cadet from operating the vehicle." AFCW Instruction 51-201, Attachment 1.

[195] *See* Honor Code Reference Handbook, at 2. The Code requires honesty by avoiding lying, stealing, and cheating, and it requires professional responsibility by requiring self-policing and self-reporting.

To focus on the distinction between condonation and toleration, the *Agenda for Change* emphasizes a need to live by the spirit of the Code rather than encouraging interpretive efforts by cadets to evade punishment under the letter of the Code. It asserts that shunning cadets reporting others for violations (of the Honor Code or for disciplinary infractions) cannot be tolerated.[198] The *Agenda for Change* also increases the level of and standard for accountability. Cadet commanders will be responsible for the actions of their subordinates. Upper class cadets aware of or observing criminal activity will be held accountable if they fail to take charge of the situation and exercise their leadership responsibilities.[199] Specifically targeting responsibility in all reported cases of sexual assault, the senior ranking cadet aware of or observing an infraction committed by a lower-class cadet will now be held responsible and accountable.[200] The Panel supports these changes in accountability standards.

2. Center for Character Development[201]

General Hosmer commissioned the Center for Character Development ("CCD") in 1993 to assess the character makeup of cadets and develop education and training programs to improve the overall character of the cadet population.[202] The CCD's present mission is to facilitate character development programs and activities throughout all aspects of the Academy experience. The CCD's objective is to graduate officers with forthright integrity and who voluntarily decide the right thing to do and do it.[203]

---

[196] *See* AFCW Instruction 51-201 Chapter 3.2.6.3: Incidents of condonation are evaluated on a graduated scale of severity based on at least three factors: 1) whether the cadet knew the violation would take place before it happened and did he/she take reasonable measures to prevent it from happening; 2) if the cadet did not know in advance, did he/she take active measures to halt the violation(s) while they were in progress; and 3) if the cadet learned about the violation after the fact, it is not unreasonable to expect an officer candidate to inform the violator that he/she should report themselves to their chain-of-command in a reasonable amount of time (for example 24 hours) or they will do it instead.

[197] *Id.*

[198] *See Agenda for Change*, at 6.

[199] *Id.*

[200] *Id.*

[201] The Air Force Chief of Staff indicated a desire to change the name of the current center to the "Center for Leadership and Character Development." The recommendations which follow regarding the current Center apply equally to any changes contemplated by the Air Force. Statement of General John P. Jumper, USAF, to the Panel in Arlington, Va. (July 31, 2003).

[202] *Working Group Report*, at 11.

In furtherance of its missions, the CCD is divided into four divisions: Honor, Human Relations, Character and Leadership Development and Excellence.

The Honor Division provides Honor Code education instruction equivalent to one academic course throughout the cadets' four years at the Academy. In the first two years, this instruction focuses on understanding and living under the Code. In the final two years, it focuses on helping others live under the Code. The Code is the foundation upon which a cadet builds a personal concept of professional ethics and a minimum standard of integrity, and demands complete integrity in word and deed.

The Human Relations Division focuses on programs that encourage respect for human dignity, and is designed to develop officers equally valuing individuals of different races, national origins, religions, gender and cultural backgrounds.[204] The programs involve classroom instruction and activity-based exercises for Third- and Fourth-Class cadets, an experimental on-site program for Second-Class cadets,[205] and participation in a Character Capstone program for graduating First-Class cadets.[206]

The Character and Leadership Division organizes symposiums, operates an adventure-based learning program to encourage character development and conducts seminars, including various Academy Character Enrichment Seminars ("ACES"), which provide an opportunity for members of the Academy community to consider their role in creating the best possible environment for cadets.[207] The Capstone ACES program permits First-Class cadets to reflect on the growth of their own moral character and highlights the major character lessons provided by all aspects of the cadet experience. The Eagle ACES program uses Hollywood movies to teach leadership and personal evaluation skills to Third- and Fourth-Class cadets. The Character and Leadership Division also sponsors a Professional Mentorship Program which provides flexible guidance to facilitate the development of strong mentoring relationships.

---

[203] Center for Character Development Fact Sheet, *available at* http://www.usafa.af.mil/pa/factsheets/characte.htm.

[204] Human Relations Responsibility, *available at* http://www.usafa.af.mil/wing/34cwc/cwcr/ cwcridx.htm: "I will show respect for and honor all people regardless of their race, religion, gender, national origin, color, or status. It is my responsibility to counsel my fellow cadets on any behavior that I believe adversely affects the positive human relations environment that is guaranteed to every person in the United States Air Force."

[205] Second-Class cadets attend a 5-hour on-site workshop, called "Respect and Responsibility Workshops," designed to develop an understanding and appreciation of others leadership behaviors, facilitate communication skills and challenge any existing biases.

[206] Human Relations Division homepage, *available at* http://www.usafa.af.mil/wing/34cwc/cwcr/ cwcridx.htm. The Human Relations division was also formerly responsible for conducting cadet Social Climate Surveys (discussed in further detail in PartV.A.2), which provide statistical analysis of trends and findings regarding cadet climate, frequency and tolerance of sexual harassment, and incidents of sexual assault to the Commandant of Cadets and the Character Development Committee. *See also Working Group Report,* at 153-154. Following the *Agenda for Change,* the Department for Behavioral Science and Leadership is now responsible for the social climate surveys.

Lastly, the Excellence Division provides cadets opportunities for practical application of their character and leadership education through various programs. The National Character and Leadership Symposium brings together distinguished scholars, armed forces leaders, corporate presidents and others to explore various dimensions of character and leadership. During the 2002-2003 academic year, 48 speakers attended.[208] Furthermore, The Falcon Heritage Forum, held twice a year, creates opportunities for cadets to interact on a personal level with highly distinguished military veterans,[209] including representatives from each branch of military service, numerous Medal of Honor recipients, Tuskegee Airmen and many former prisoners of war from each war or conflict since World War II.[210] The Excellence Division also sponsors Cadet Service Learning, a cadet-led program enabling cadets to give back to the local community by volunteering for community service (including Habitat for Humanity and Big Brothers/Big Sisters),[211] and presents an Air Force Core Values lesson to the Fourth-Class cadets during BCT.

The Panel recognizes that good character values need to be incorporated into the daily lives of cadets, and suggests that cadet character education should expand beyond PowerPoint presentations and lectures to encompass an interactive learning process. While the CCD offers several programs related to character development, none is a prerequisite for graduation or commissioning.[212]

---

[207] Character and Leadership Division homepage, *available at* http://www.usafa.af.mil/wing/34cwc/cwcd/cwcdidx.htm.

[208] National Character and Leadership Symposium Fact Sheet, *available at* http://www.usafa.af.mil/wing/34_cwc/cwcc/. Speakers included, among other military heroes, noted authors, and scholars, Michael Josephson of the Josephson Institute of Ethics; Brigadier General Charles Baldwin, USAF, Deputy Chief of the Chaplain Service; and Dr. Albert Pierce, Director of the Character Center at the U.S. Naval Academy.

[209] In fall 2001, the Superintendent directed that the Falcon Heritage Forum include a veteran for each of the 36 squadrons, with 3 cadets per squadron assigned to each veteran.

[210] Excellence Division homepage, *available* at http://www.usafa.af.mil/wing/34cwc/cwcc.

[211] Cadet Service Learning Program Fact Sheet, *available at* http://www.usafa.af.mil/pa/factsheets/characte.htm.

[212] *Working Group Report*, at vi and 33.

The Panel takes this opportunity to note the important role of the Academy's faculty in promoting character values in its cadets. The Panel believes that faculty members have a critical relationship with and a unique role to play in the daily lives of cadets, particularly throughout the academic year. The Academy's faculty interacts more frequently with cadets and therefore may help shape attitudes and build character. The Panel encourages the faculty to work with Academy leadership as cadets move forward in the environment fostered by the *Agenda for Change*.

Character education is critical to the development of cadets who will live honorably, and to instilling in them an understanding of responsible leadership. **Accordingly, the Panel recommends that CCD education instruction be mandatory for all cadets. The Panel further recommends the cadet curriculum require completion of at least one course per year that emphasizes character values, for which cadets shall receive a grade and academic credit.**

C. Cadet Training

A significant organizational aspect of any military academy, which differentiates it from the purely academic focus of a civilian university, is its military training component. At the Academy, this training begins with Basic Cadet Training ("BCT"), conducted under the umbrella of a training structure known as the "Fourth-Class System." With regard to sexual assaults, the training also includes various forms of prevention and awareness training. The following sections specifically concentrate on this training and the manner, if any, in which it contributed to the climate for women, an atmosphere of fear of retribution for reporting sexual misconduct, or the circumstances that resulted in sexual misconduct.

1. Fourth-Class System

New cadets are organized in what is commonly referred to as the "Fourth-Class System." Freshmen are known as Cadets Fourth-Class. The rest of the cadets are considered upperclassmen and are divided by class as well. Sophomores are referred to as Cadets Third-Class, juniors are Cadets Second-Class and seniors are Cadets First-Class. The purpose of the Fourth-Class System is to place new cadets into an environment in which their intellect and resources are tested under continuous stress to learn how to perform with competing demands. The Panel recognizes that any system in which people are placed in a position of power over others has the potential for abuse. Accordingly, the Panel concurs with the *Working Group Report* finding that the cadet authority structure establishes a disparity of power that may make subordinate cadets, particularly female Fourth-Class cadets, more vulnerable to upper class male cadets who might abuse their authority.[213]

In late 1992, the GAO reviewed all of the Service Academies' Fourth-Class Systems and their relationship to one form of abuse of power: hazing. It found that internal investigations and major overhauls of the Fourth-Class System at West Point in 1990 and of the Plebe System at the Naval Academy from 1990-1992 resulted in a significant drop in hazing. Because the Air Force Academy had not conducted a similar internal review and seen similar drops in hazing, the GAO recommended that:

> *[T]he Secretary of Defense ensure that the Air Force Academy conduct a thorough assessment of its fourth class system . . . Specific attention should be paid to clarifying the goals of the indoctrination system, articulating specific developmental roles for all four classes, eliminating negative leadership techniques, and eliminating or reducing those elements of the traditional fourth class indoctrination system that are prone to abuse or have little relationship to the development of future officers.*[214]

The Department of Defense rejected the GAO's recommendation. "The DOD did not agree that the Air Force Academy needed to conduct a review of its fourth class indoctrination system similar in scope to those conducted by other academies. DOD stated that it would ensure that adequate oversight of the academies was exercised . . ."[215] Yet, many of the same conditions that foster hazing also foster the abuse of power by upperclassmen against freshmen women.

The potential for abuse of power at the Academy exists due to many factors, including close living conditions, the Academy and the cadet area's remote location from the rest of the base population and facilities, the controlled and disciplined environment in which all cadets (especially Fourth-Class cadets) are expected to live, the supervisory role upperclassmen have over Fourth-Class cadets, and the mission of transitioning cadets from civilian life to a military environment that emphasizes teamwork but is based upon rank structure.[216]

---

[213] *Id.* at vi.

[214] GAO Report, *DOD Service Academies: More Changes Needed to Eliminate Hazing* (Nov. 1992), at 81.

[215] *Id.* at 83.

[216] Of the forty investigated cadet-on-cadet allegations examined by the Working Group, 53% involved Fourth-Class cadet victims, while Fourth-Class cadets make up only 29% of the cadet population. *Working Group Report*, at 73-74. The Working Group also found that of a total of sixty-one (61)

If implemented properly, however, the Fourth-Class System should not include abuse of power, hazing or any other forms of maltreatment. Instead, if conducted with the appropriate oversight, it will provide excellent leadership opportunities for the upper classes and shall be an effective system to instill discipline, teamwork and respect for each other and authority. The Academy and its new leadership have to be given an opportunity to implement changes in the system and the Air Force must establish benchmarks on judging success.

The Panel does not believe that merely checking off the items of the *Agenda for Change* will be an effective solution. Attainable and measurable goals should be established in an environment that moves away from discipline for discipline's sake and instead strives to find the character development or military training benefit presented by each situation.[217] The Academy appears to be making progress toward such an end by implementing an incentive program in which Fourth-Class cadets shall earn their "props and wings." In the past, all Fourth-Class cadets received this distinction at the same time, following recognition in the spring. Now, Fourth-Class cadets shall earn them as a squadron at different times throughout the year, through a system that evaluates their military and academic performance.

Another common criticism of the Fourth-Class System is that the nature of BCT tends to instill or foster an ethic that promotes loyalty to peers. Beginning at BCT, cadets are placed in situations which tend to unify them in an effort to accomplish a particular goal or mission or to survive a shared experience. Over time, and perhaps not even as a conscious decision, cadets grow to rely on, trust, and need each other over all else including, at times, any loyalty to principle or discipline at the institution.

Moreover, for some cadets, the fear of retribution, reprimands and shunning prevents reporting of abuses. In the past, when Fourth-Class cadets arrived at the Academy, they were immediately indoctrinated into a harsh discipline system that involved constant yelling. This type of discipline continued throughout BCT and most of the Fourth-Class year until recognition in the spring. While at BCT, cadets were challenged physically, emotionally and mentally in an effort that some believe is intended to "break their spirit" and help them "adjust" to the military.[218]

---

investigated allegations, forty-six (46) involved cadet victims, twenty-one (21) of whom (or 46%) were Fourth-Class cadets. *See Working Group Report*, at 70-75.

[217] For a discussion of additional oversight mechanisms, *see* Section IV.

[218] Letter from Brigadier General Robert F. McDermott, USAF (Ret.), to the Panel (July 17, 2003).

The Fourth-Class System is actually intended to eliminate factors such as economic status, background and race and gender issues while teaching the value of teamwork, dedication to the mission and putting the unit above oneself. However, a consequence of such treatment is often a lowered self-esteem and a sense that to survive the environment one must wholly rely on one's peers to help make it through this shared experience.

Portions of the *Agenda for Change* have scaled back much of the initial indoctrination so that BCT now emphasizes fair treatment and mutual respect. The focus of the arrival of Fourth-Class cadets is now built upon treating them with respect and dignity and in turn, earning their respect. To that end, the Academy developed a four-day orientation program geared toward a more respectful transition from civilian to military life. The content of the orientation includes more of a focus on the overall behavior expected of cadets and also provides material on sexual assaults.[219]

Proposals in the *Agenda for Change* that improve the quality of the AOCs, empower the AOCs to deal with minor disciplinary infractions and provide greater presence of the AOCs and the MTLs in the dormitories are an excellent start to implementing the proper active duty oversight of cadets training cadets within the Fourth-Class System. The Panel is of the opinion that the new educational requirements for AOCs and MTLs are a positive step, but continuing education of AOCs and MTLs should not cease after their initial training. They must regularly receive education and training in mentoring cadets, developing cadet leadership, and properly exercising their oversight role and authority.

Changes such as those described in the preceding paragraphs are crucial to ensuring that power is not abused. The Academy must continue to focus on establishing and enforcing standards of acceptable behavior and proper treatment of others. Overall, with the proper controls, training and oversight, BCT can effectively bond cadets as team members while at the same time establishing that cadets are not only part of the immediate "team" of cadet peers, but are part of larger teams to which their loyalties must ultimately focus. By establishing on arrival day that the Academy is a proud and responsible institution, one the current cadets are proud of, and

The Academy must continue to focus on establishing and enforcing standards of acceptable behavior and proper treatment of others.

---

[219] For details on our assessment of the training, *see* Part V.C.2.

one that is excited to have the new cadets join its ranks, the Academy can set a tone to be followed throughout BCT and a cadet's entire four-year experience.

2. *Prevention & Awareness Training*

The *Working Group Report* concluded that the sexual assault prevention and awareness training was ineffective for the following reasons:

(1) the definition of sexual assault used in Academy Instruction 51-201 was confusing, not in compliance with the law associated with sexual assaults and inconsistent with the definition used throughout the Air Force;

(2) the Fourth-Class cadets who received the training during BCT were too tired to process the information;

(3) the self-defense training given to Fourth-Class women often occurred too late in the semester to be effective; and

(4) the training had little focus on the moral, leadership or character component of deterrence.[220]

In response to these deficiencies, the *Working Group Report* recommended increasing the frequency and effectiveness of sexual assault deterrence training, emphasizing small groups, cadet participation, and a focus on character, including the ethical use of power.[221] The *Agenda for Change* implements this recommendation by mandating that the Academy apply definitions of "sexual assault" consistent with standard Air Force-wide definitions and ensuring all Academy instructions, training materials and guidance reflect Air Force-wide definitions.[222] In addition, the *Agenda for Change* requires that BCT emphasize fair treatment and mutual respect, that the orientation provide substantial material on sexual assault prevention and overall behavior expected of cadets, and that the syllabus include guidelines on workplace behavior, as well as demeanor and consequences.

---

[220] *Working Group Report,* at 26-30.

[221] *Working Group Report,* at viii, bullet 3.

[222] The Air Force does not have a definition of "sexual assault." Instead, as in the other Services, the Air Force applies definitions of offenses as listed in the Uniform Code of Military Justice ("UCMJ"), some of which are offenses of a sexual nature…e.g., rape, sodomy, indecent assault, and assault with the intent to commit rape or sodomy. According to the *Agenda for Change* update, the Academy will use the definitions consistent with the UCMJ. Video Teleconference *Agenda for Change* Status Briefing by Colonel Debra D. Gray, USAF, Vice Commandant, USAFA, with Panel Staff (July 24, 2003).

The Academy provided the Panel with a binder containing four new training session presentations[223] given during the initial phases of BCT. Our review of the BCT schedule for the class of 2007[224] indicates an attempt to address the *Working Group Report* concerns of the timing of the training by providing two-and-one-half hours of briefings on day one of BCT. Unfortunately, this may be merely form over substance, as all but one class was conducted at 7:00-9:30 p.m., following twelve hours of in-processing. This timing hardly seems an effective method for overcoming the deficiencies noted in the *Working Group Report*. **Although the Panel appreciates that the demands on the time of new cadets are significant, we recommend reassessing the training calendar to place this training at a time of day in which cadets will be most receptive to the training session.**

A review of the content of the training leaves some questions regarding its effectiveness as well. Some of the Panel's specific concerns include:

> The Cadet Counseling Center briefing is an orientation to the services the center provides. A bulleted point on one slide of the orientation presentation states that the Sexual Assault Services section of the Cadet Counseling Center "Administers the Victim Witness and Assistance Program." This statement is inconsistent with Air Force Instructions and, in past practice, served as a main source of lack of communication between counselors and the Staff Judge Advocate's office, lending to confusion of responsibilities and lack of communication with victims. This slide should be immediately corrected so that everyone receives proper information regarding the process.
>
> The Gender Roles and Bias Class helps cadets consider the internal sources of some of their biases, introduces them to the Air Force standards and presents sample scenarios for discussion; however, the prompting questions associated with the scenarios seem less than desirable or informative. For example, one of the scenarios discusses verbal sexual harassment of a female cadet by two higher-ranking male cadets. Instead of asking prompting questions such as "What should this female cadet do in this situation?" or "Why is this behavior inappropriate?" the prompting questions are "How would this interaction affect her development?" and "How would this interaction affect future behaviors of males?" The former questions would permit education on possible courses of action for the female cadet, whereas the latter questions do not seem to lead to any educational purpose. Although the

---

[223] The PowerPoint presentations consist of an overview briefing by the Commandant of Cadets; a Sexual Assault Awareness and Prevention Class by the Chief, Sexual Assault Services and the Victim Advocate Program Coordinator; an introduction to the Academy Counseling Center by a member of the 34th Training Wing Academy Counseling Center Staff and a Gender Roles and Gender Bias Class (presenter unknown).

[224] *See* USAFA Basic Cadet Training ("BCT") training schedule.

training may make cadets more aware of the impacts of their comments or behavior, the Panel is concerned that the training still does not give the cadets the proper tools or focus on how to handle such situations, how to respond to the types of scenarios presented, or how and when such incidents should be reported.

The additional training provided to the Fourth-Class cadets at the beginning of transition week consists of a series of large audience presentations. These briefings were informative but, except for the one on sexually transmitted diseases, difficult for the cadets to hear or remain awake to absorb.

The Panel recommends that the Academy focus on providing better training to the trainers of these classes including enlisting the aid of faculty members who are well-skilled in group presentation techniques that are effective and energize the cadets, developing small group training sessions which will be more effective than large audience presentations, developing training sessions that educate the students on the reporting process and AFOSI investigatory practices and procedures, and establishing a review process for training session materials that includes the use of the Academy Response Team and cadet cadre or some other multi-disciplinary group of experts.

VI. INTERVENTION AND RESPONSE TO SEXUAL ASSAULT

The first part of this report addresses measures to deter and prevent sexual assault by ensuring an actively engaged chain of command with external oversight and by improving the organizational culture and climate. This section discusses policies and procedures for responding to allegations of sexual assault.[229] This section also discusses policies regarding reporting incidents of sexual assault, victim support and intervention, and law enforcement responsibilities. The Panel places particular emphasis on revising or eliminating policies that discourage victims of sexual assault from coming forward to report these crimes.

A. Encouraging Reporting

1. Sexual Assault Reporting System: Confidentiality

Beginning in 1993, the Academy sexual assault reporting program and victim confidentiality program struggled to balance the maintenance of good order and discipline with a reporting process that affords victims of sexual assault their privacy, safety, and mental and emotional well-being. The Academy's responsibility to develop the nation's future military leaders makes achieving that balance uniquely challenging. Within the Academy environment, the dilemma is how best to ensure that those cadets victimized by sexual assault receive all necessary support and treatment while, guaranteeing that offenders are held appropriately accountable and that those cadets who are unworthy of leadership roles in the nation's defense are not commissioned as military officers.

---

[229] The Working Group concluded that the Academy-unique definition of "sexual assault" was susceptible to misinterpretation, may have caused confusion regarding issues of consent, and may have created incorrect perceptions of the law and unrealistic expectations in victims. *Working Group Report*, at iv. The Academy has since revised its definition of "sexual assault" in accordance with the UCMJ: "Sexual Assault refers to any of several offenses of a sexual nature, committed without the lawful consent of the victim, that are punishable as crimes under the Uniform Code of Military Justice. The offenses included within the term 'sexual assault' include rape and carnal knowledge (Article 120, UCMJ), forcible sodomy (Article 125), and assault with intent to commit rape or sodomy, indecent assault, and indecent acts or liberties with a child (Article 134), or an attempt to commit any of these offenses." *Commander's Guidance 05-8* (May 27, 2003).

On the issues of victim confidentiality and sexual assault reporting, the pendulum's swing has reacted to extremes under the spotlight of high-profile events, going from a position of total confidentiality and victim control over incident reporting to the new Academy policy which eliminates confidentiality and mandates reporting. Neither extreme is satisfactory. The continuing challenge is to reach an appropriate balancing point, while remaining consistent with the policies, practices and procedures of the Air Force at large.

In 1993, in the aftermath of a sexual assault incident at the Academy, General Hosmer spoke with an assembly of female cadets who told him of a number of unreported incidents of sexual assault. The cadets also expressed distrust in the Academy administration that resulted from efforts by the Commandant of Cadets to use victim counseling records to support administrative actions against cadet offenders. The cadets considered this a breach of trust leading to a loss of confidence in the administration. General Hosmer became convinced that victim confidentiality was essential to ensuring that victims come forward to report such incidents and, thereby, receive necessary medical treatment and counseling. To resolve the problem, General Hosmer instituted a program that utilized the services of a Cadet Counseling Center reorganized under the Dean of Faculty, a victim-controlled reporting system, and an Academy-unique policy of victim confidentiality.

The premise justifying the Academy's confidentiality initiative was that confidential reporting, along with professional support and counseling, would increase the likelihood that victims would eventually formally report. However, it had the potential of preventing command and law enforcement authorities from learning of serious criminal conduct. It also could interfere with the collection of evidence required for the success of any future prosecution. This problem occurred at the Academy and was exacerbated over time, as it appears that those individuals responsible for receiving confidential victim reports may not have fully satisfied their responsibility to encourage victims to formally report assaults. Instead, some counselors may actually have discouraged victims from reporting.[226]

---

[226] *Working Group Report*, at 115. One cadet, who had served as a Cadets Advocating Sexual Integrity and Education ("CASIE") volunteer for about three years, stated that he told victims the investigation is an intrusive process and "OSI doesn't work for you. They will do what's in the best interests of the Air Force." Additionally, the Victim Advocate Coordinator has stated that "OSI is not there to nurture you, it's not there to be your friend." *Id.*

As a result of the problems identified with the Academy's unique confidential sexual assault reporting system, the *Agenda for Change* effectively eliminated confidential reporting and directed that all incidents be reported to command and law enforcement authorities.[227]

The Panel finds the problems associated with the former Academy policy of confidential reporting were not necessarily caused by allowing for privileged communications, but were the result of a confidentiality policy which, over time, was poorly implemented and lacked responsible governance and oversight. The Panel further finds that the *Agenda for Change* reaction which eliminated confidential reporting swings the pendulum too far in the opposite direction and creates a significant risk that victims will not come forward at all and thus lose the benefits afforded by professional counseling.

The **Agenda for Change** *policy overlooks an established form of privileged communication.*

The *Agenda for Change* policy overlooks an established form of privileged communication that is currently available throughout the Armed Forces and could benefit cadet victims: the psychotherapist-patient privilege. Military chaplains also play an important role in responding to the needs of individuals facing a personal crisis, and communications to clergy are privileged if they are made either as a formal act of religion or as a matter of conscience.[228] However, to be most effective, chaplains must first receive training specific to responding to the needs of sexual assault victims. When the proper resources and services are as readily available for Academy cadets as they are for Air Force members in general, Academy cadets should not forfeit the confidentiality that the law provides.

It is important to note that during the period of 1993 to 1999, when the Academy established and employed its confidential reporting policy, the psychotherapist-patient privilege was not recognized under the Military Rules of Evidence and was not available within the Armed Forces. During that period, communications with a clergyman, lawyer or spouse were recognized as privileged, but a doctor-patient privilege (including mental health counseling) within the military was expressly excluded.[229] Consequently, there was no authority beyond Academy-based policy that established confidentiality or privileged communications between a cadet victim and a counselor. Today, consistent with Air Force practice, a confidentiality alternative is available to the Academy by virtue of the psychotherapist-patient privilege established in 1999 by Presidential Executive Order 13140[230] and implemented in Military Rule of Evidence 513.[231]

---

[227] *Agenda for Change*, at 5. "All allegations of sexual assault will be reported to the officer chain of command immediately."

[228] Mil. R. Evid. 503.

[229] A person could not claim a privilege with respect to any matter except as required by or provided for in the Constitution of the United States as to members of the Armed Forces, an Act of Congress applicable to courts-martial, the Military Rules of Evidence, or the principles of common law generally recognized in the trial of criminal cases in the United States district courts insofar as the application of such

The psychotherapist-patient privilege is well-suited for the situation at the Academy, where there is a need to provide professional mental and emotional counseling to victims struggling with the experience of a criminal assault, but also making allowance for limited circumstances where disclosure may be required under specifically enumerated considerations. To obtain the benefit of the privilege, it is required that the patient or victim consult with a trained professional who is qualified to address their mental and emotional needs. As an established military privilege applicable throughout the Armed Forces, this avenue of confidentiality for Academy cadet victims of sexual assault is not dependent upon a unique Academy or Air Force policy decision. The privileged communication exists as long as the qualifications of the counselors and the circumstances of the communication meet the rule's requirements.

---

principles in trials by courts-martial is practicable and not contrary to or inconsistent with the UCMJ, these rules, or the Manual for Courts-Martial. Mil. R. Evid. 501, Manual for Courts-Martial, United States, 1984. "Notwithstanding any other provision of these rules, information not otherwise privileged does not become privileged on the basis that it was acquired by a medical officer or civilian physician in a professional capacity." Mil. R. Evid. 501(d).

[230] Exec. Order No. 13140, "1999 Amendments to the Manual for Courts-Martial, United States" (Oct. 6, 1999). The military's initiative to codify a psychotherapist-patient privilege stemmed from an Air Force court-martial, at Elmendorf Air Force Base, Alaska in 1996. *U.S. v. Underwood*, 47 M.J. 805 (A.F.Ct. Crim. App., 1997). In the *Underwood* case, the accused was charged with the rape of a 20-year-old. While the case was being investigated, the victim sought psychiatric counseling at the Air Force hospital and was seen by an Air Force psychiatrist. When court-martial charges were initiated, the accused's defense counsel requested copies of the psychiatrist's notes of the counseling sessions with the victim. The victim and victim's mother strenuously objected to this invasion of the victim's privacy and confidentiality, but at the time there was no doctor-patient or other privilege that applied. The Department of Defense drafted and recommended establishment of a psychotherapist-patient privilege following extensive media coverage and congressional interest in the case, and the United States Supreme Court decision in *Jaffee v. Redmond*, 518 U.S. 1, 116 S.Ct. 1923, 135 L.Ed.2d 337 (1996). Military Rule of Evidence 513, "Psychotherapist-Patient Privilege," became effective throughout the Armed Forces on November 1, 1999.

[231] Mil. R. Evid. 513, at Part III, 33-34, Manual for Courts-Martial, United States (2002 Edition). The rule provides that a "patient has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the patient and the psychotherapist or an assistant to the psychotherapist, in a case arising under the UCMJ, if such communication was made for the purpose of facilitating diagnosis or treatment of the patient's mental or emotional condition." Mil. R. Evid. 513(a).

When professionals who staff the Cadet Counseling Center meet the definition of "psychotherapist" (*e.g.*, psychiatrist, clinical psychologist, licensed clinical social worker, or person credentialed to provide such services from any military health care facility),[232] the privilege will apply and confidentiality will be extended to the person seeking assistance. Based on current and projected Academy staffing, such professionals should be available to counsel and treat cadets.[233] The privileged communication also extends to "assistants to a psychotherapist," who are defined as persons who are directed by or assigned to assist a psychotherapist in providing professional services to the patient.[234] The patient, the psychotherapist, or assistant to the psychotherapist who received the communication, or a trial counsel (prosecutor) or defense counsel may assert the privilege on behalf of the patient. The privilege extends to the testimony of the psychotherapist or assistant to the psychotherapist and patient records that pertain to communications made for the purpose of diagnosis or treatment of the patient's mental or emotional condition.[235] Consultations with psychotherapists during the investigative phase of the Uniform Code of Military Justice ("UCMJ") sexual assault offense fall within the protections contemplated by the privilege. The privilege and confidentiality apply throughout any military justice disciplinary action that results and, by Air Force Instruction 51-602, also apply to administrative proceedings before boards of officers.[236]

---

[232] Mil. R. Evid. 513(b)(2).

[233] The Cadet Counseling Center will be staffed by two licensed clinical psychologists, one licensed professional counselor, one program manager for the Victim Advocate Program (a registered nurse practitioner), one Program Manager for the CASIE program, and a counseling services technician. Two additional licensed clinical psychologists will join the staff in October 2003. Statement of the Director of the Commander's Action Group, 34th Training Wing. In addition, current staffing at the Life Skills Support Center consists of a board certified adult psychiatrist, who provides medication management to cadets and active duty members, a licensed clinical psychologist, who provides services to active duty members and cadets as well as children of active duty members, and three licensed clinical social workers.

[234] Mil. R. Evid. 513(b)(3).

[235] Mil. R. Evid. 513(b)(5).

[236] "Rules of Evidence: 2.1.5. Apply the Military Rules of Evidence on privileged communications." Air Force Instruction 51-602, "Boards of Officers," (Mar. 2, 1994). Board of Officer proceedings pursuant to Air Force Instruction 51-602 apply to various categories of cadet disenrollments and separation proceedings. Air Force Instruction 36-2020, "Disenrollment of United States Air Force Academy Cadets," (Apr. 22, 1999).

Balancing the public interest in the disclosure of information in certain circumstances, the rule establishes several exceptions to the privileged communication. The psychotherapist is permitted to disclose privileged information when the psychotherapist believes the patient's mental or emotional condition makes the patient a danger to any person, including the patient, and when necessary to ensure the safety and security of others.[237] Each case presents its own unique set of facts and circumstances for the professionally-trained psychotherapist to assess, along with the victim's initial preference about reporting the incident, in determining whether an exception to the privileged communication applies and reporting is required under the rule. When the psychotherapist believes that the perpetrator of the sexual assault is a sexual predator, or when the victim needs more extensive psychiatric treatment to avoid being a danger to herself, the exceptions to privileged communication serve both the public interest and the need for good order and discipline.

The Panel recommends that the Air Force establish a policy that achieves a better balance of interests and properly employs psychotherapist-patient counseling, and its associated privilege, for the benefit of cadet victims.

The Panel recommends that the Academy's policy for sexual assault reporting clearly recognize the applicability of the psychotherapist-patient privilege and that the Academy staff the Cadet Counseling Center with at least one Victim Advocate provider who meets the legal definition of "psychotherapist." Further, the Panel recommends that the individual assigned to serve as the initial point of reporting whether by "hotline" or in person, be a qualified psychotherapist who has completed a recognized rape crisis certification program. Optimally, the Victim Advocate psychotherapist should be in charge of the sexual assault program within the Cadet Counseling Center and will provide direction and supervision to those assistants supporting the assigned psychotherapists.

It is critical that the Victim Advocate psychotherapist and those working for her are skilled at counseling and helping victims to understand and appreciate the significance of their choices and, more importantly, understand how their decisions might affect the ability of the Academy and law enforcement to bring the offender to justice. Giving victims choices helps them regain a sense of control over their lives and promotes the healing process. Helping victims understand the consequences of their choices also increases opportunities for making the right choices, thereby further helping to encourage the reporting of these crimes. It is imperative that the Victim Advocate psychotherapist, consistent with the rule of confidentiality, inform the chain of command about issues and problems[238] and actively work to solve identified problems.[239]

---

[237] Mil. R. Evid. 513(d).

The Panel recognizes that the Academy and cadets favorably view the use of cadets to assist in the CASIE program. However, there are two items of concern regarding the CASIE program that need to be specifically addressed: first, reports of sexual assault made to CASIE representatives are not confidential; and second, CASIE representatives lack the necessary qualifications to provide professional-level counseling to fellow cadets.

Regarding the first issue, sexual assault allegations made to CASIE representatives are not confidential because CASIE cadets are not currently qualified to receive privileged communications. To the extent that CASIE representatives continue to be used as sexual assault victim counselors and intended "confidantes," the Academy should take those steps necessary to bring the CASIE representatives under the protective umbrella of the psychotherapist-patient privilege by ensuring that cadets involved in these situations meet the definition of an "assistant to a psychotherapist."

If the privilege is extended to CASIE cadets, it must be under a program of careful and continuous direction and supervision by the psychotherapist. This helps address the second issue regarding CASIE representatives — lack of qualifications. The psychotherapist supervisor must ensure CASIE cadets do not cross the line from serving as active listeners and resources for the victim to becoming their advocates. Further, CASIE cadets must keep the psychotherapist supervisor advised of all facts and circumstances of the confidentially-reported offense so that the psychotherapist supervisor can evaluate the situation and determine whether any of the recognized exceptions to privileged communications applies. Regardless of whether CASIE cadets are ultimately placed under the psychotherapist-patient privilege umbrella, it is imperative that CASIE representatives are properly trained and consistently supervised.

---

[238] Consistent with the privilege, the psychotherapist should report data only when discussing a specific report of sexual assault, until such time as that victim comes forward to make a formal report or waives the privileged communication.

[239] For example, if problems are identified with the manner in which law enforcement handle specific cases, those matters should be addressed and corrective action sought through the law enforcement chain of command and the Academy chain of command, rather than dissuading victims from making reports to law enforcement.

2. *Other Avenues of Sexual Assault Reporting: The CASIE Program*

The CASIE program is a 24-hour, phone-in "hotline" administered by the Sexual Assault Services Branch in the Cadet Counseling Center. The hotline provides an avenue for cadets to report sexual assault; provides current information on procedures, regulations and referrals; encourages victims of sexual assault to utilize available services; and educates the Cadet Wing on the issue of sexual assault. The hotline is a system in which a cell phone is passed between CASIE representatives to the volunteer currently on duty.[240] The CASIE representative receiving the call documents as much information as the caller is willing to volunteer, and provides the information to the CASIE Program Manager. Prior to March 2003, the Vice Commandant was informed when someone called the hotline to report a sexual assault, but was not provided any identifying information.[241] Under the *Agenda for Change*, which effectively eliminates confidential reporting, allegations of sexual assault must be reported to the chain of command.[242]

Currently, in addition to manning the hotline, one or two CASIE representatives are assigned to each of the 36 squadrons at the Academy.[243] The CASIE representatives act as points of contact regarding sexual assault issues for cadets, provide further education on sexual assault topics, and organize Sexual Assault Awareness Month each April.[244] CASIE representatives also aid in rumor control and relay current information within the Cadet Wing. Frequently, cadets directly approach their squadron CASIE representative, or that of another squadron, to discuss issues regarding sexual assault and to seek help or guidance after an assault.

---

[240] Interview by Working Group with former CASIE Program Manager in Colorado Springs, Colo. (Mar. 14, 2003). Most calls received by the hotline are made days, weeks, or months after an assault. If a cadet calls the hotline within seventy-two hours of an assault, the CASIE representative advises the cadet of the benefits of a rape kit exam, and that a victim advocate is available to escort the cadet to Memorial Hospital to have one performed. Interview by Working Group with CASIE Representative, Cadet in Charge of Sexual Awareness, in Colorado Springs, Colo. (Mar. 11, 2003).

[241] Interview by Working Group with CASIE Representative, Cadet in Charge of Sexual Awareness, in Colorado Springs, Colo. (Mar. 11, 2003).

[242] *Commander's Guidance 05-8* (May 27, 2003).

[243] Interview by Working Group with former CASIE Program Manager in Colorado Springs, Colo. (Mar. 14, 2003).

[244] Sexual Assault Awareness Month (SAAM) focuses on progressive education during a four-year undergraduate program. CASIE representatives present seminars that cadets attend according to class year. Fourth-Class SAAM education focuses on awareness, and includes an annual guest speaker who was a victim of acquaintance rape. Third-Class education focuses on prevention. Second-Class and First-Class education focus on assistance and professionalism, respectively.

The CASIE manager organizes and manages the program's representatives. The Program Manager is a Second Lieutenant recently graduated from the Academy and serving a one-year assignment.[245] The Program Manager reports to the Chief of Sexual Assault Services. CASIE representatives complete required volunteer training[246] and are selected through an application process that assesses a cadet's reasons for interest in the program and qualifications.[247] All participation in the CASIE program is voluntary, and cadets are not evaluated based on their participation.

a. Mental Health Services

The Cadet Counseling Center offers individual and group mental health counseling conducted by Air Force medical professionals. Cadets whose mental health needs exceed the capability of the Cadet Counseling Center are referred to the Life Skills Support Center ("LSSC"), located on Academy grounds. LSSC provides mental health services for drug and alcohol treatment, family maltreatment and other general matters as needed.[248] If unable to provide the appropriate mental health services through the Cadet Counseling Center or LSSC, the Academy will pay for counseling with a civilian professional.

---

[245] Interview by Working Group with former CASIE Program Manager in Colorado Springs, Colo. (Mar. 14, 2003).

[246] CASIE representatives must attend monthly meetings and, every August, undergo approximately 20 hours of training to retain their status as a CASIE volunteer. AFOSI, Legal, and Sexual Assault Nurse Examiners ("SANE") brief volunteers on how to help a victim of sexual assault, what options are available, how to work the hotline, and how to listen and react to victims. Interview by Working Group with CASIE Representative Cadet in Charge of Sexual Awareness in Colorado Springs, Colo. (Mar. 11, 2003); Statement of CASIE Representative Cadet in Charge of Sexual Awareness. Cadets are also briefed on the services CASIE does not provide, such as diagnosis, counseling, treatment, and transportation. Interview by Working Group with current CASIE Program Manager, in Colorado Springs, Colo. (Mar. 11, 2003).

[247] Applicants on any type of probation are not accepted. Fourth-Class cadets are not permitted to serve as official representatives, but are permitted to attend monthly meetings. Interview by Working Group with former CASIE Program Manager in Colorado Springs, Colo. (Mar. 14, 2003).

[248] The Cadet Counseling Center will be staffed by two licensed clinical psychologists, one licensed professional counselor, one program manager for the Victim Advocate Program (a registered nurse practitioner), one Program Manager for the CASIE program, and a counseling services technician. Two additional licensed clinical psychologists will join the staff in October 2003. E-mail from Colonel Eddy to Panel Staff (Aug. 14, 2003). In addition, current staffing at the Life Skills Support Center consists of a board certified psychiatrist, who provides medication management to cadets and active duty members, a licensed clinical psychologist, who provides services to active duty members and cadets as well as children of active duty members, and three licensed clinical social workers. Interview by Panel Staff with Lieutenant Colonel Christopher J. Luedtke, USAF, Director, Commander's Action Group, 34th Training Wing, in Colorado Springs, Colo. (Aug. 4, 2003).

b. Sexual Assault Programs at Other Service Academies

Although the Panel was not established to evaluate the sexual assault programs at the other Service Academies, the Panel examined some of those programs to make comparisons to the Air Force Academy programs.

The Naval Academy and the West Point both maintain programs of 24-hour telephone access for students to contact in the event of a sexual assault. Each Service Academy also has policies addressing the issue of sexual assault and maintains counseling centers that provide mental health services.

West Point provides non-confidential[249] and confidential[250] options for cadets to report sexual assault, and has two avenues through which cadets have 24-hour telephone access to a trained professional.[251] If a sexual assault occurs, cadets are encouraged to first contact their Tactical Officer[252] ("TAC") who is available 24 hours a day. Allegations made to a TAC are not confidential. Alternatively, cadets may call one of three licensed psychiatrists in the Center for Personal Development[253] ("CPD") monitoring a beeper on a rotating basis. Cadets may call this beeper 24 hours a day to speak with the mental health professional on duty either for immediate assistance or to talk about any issues that may be bothering the cadet. Allegations of sexual assault made to the psychiatrist are confidential;[254] during counseling, however, CPD psychiatrists encourage cadets to report the assault to the proper authorities.

---

[249] Non-confidential options that are available include the Cadet Health Clinic, the Inspector General, Staff Judge Advocate, Provost Marshal, Equal Opportunity Office, staff, faculty, sponsors, and athletic coaches.

[250] Confidential options include Community Mental Health, chaplains, and the Center for Personal Development.

[251] Telephone interview by Panel Staff with the Director of Office of Policy, Planning, & Analysis at West Point (Aug. 7, 2003).

[252] Tactical Officers ("TAC") are required to complete a year-long Master's degree program in counseling prior to their assignment. In that program, TACs receive special instruction on sexual assault counseling and legal information specific to victims of sexual assault.

[253] The Center for Personal Development ("CPD") is a counseling and assessment center staffed by Army officers who are trained professional counselors and psychologists. The CPD provides individual and group counseling for cadets in areas including leadership development, personal relationships, decision making, eating and weight management, and academic difficulties. Three licensed psychiatrists, one of whom is a female, currently staff the CPD.

[254] CPD provides monthly trend analysis to the Commandant of Cadets alleging sexual assault, but excludes any identifying information about the cadet involved. This trend data is maintained in confidential files.

Similar to the Air Force and Naval Academies, West Point utilizes cadet representatives positioned within the student body. West Point's Respect Program, located in the Simon Center for Professional Military Ethics, consists of approximately 32 hours of values education spread over a cadet's four years at West Point. The Respect Program Committee includes one junior and one senior cadet from each Company acting as representatives for the Respect Program Committee and providing an additional channel through which cadets may raise concerns and issues. Cadet representatives assist fellow cadets with myriad concerns, but their basic role is to set a good example for fellow cadets and ensure that cadets treat each other with dignity. Information given to the Cadet Respect Program representatives is not confidential, but remains within the Respect Program Committee chain of command.[255] Because Respect Program Committee cadet representatives do not address issues of sexual assault, the cadets do not receive special training regarding victim assistance.

The Naval Academy's Sexual Assault Victim Intervention ("SAVI") Program includes trained student volunteers.[256] The Program is comprised of SAVI Guides and SAVI Advocates, and is the Naval Academy's preferred initial point of contact in cases of sexual assault. Both SAVI Guides and Advocates are accessible to midshipmen twenty-four hours a day. Similar to CASIE representatives, SAVI Guides are midshipmen volunteers interspersed within the student population[257] and trained to assist victims of sexual assault.[258] Information shared with SAVI Guides is, by Naval Academy policy, confidential. However, SAVI Guides are required to inform the SAVI Program Director that an assault has occurred, whether the assault was primary or secondary[259] and other non-identifying information.[260] SAVI Advocates are officers and enlisted personnel trained to provide counseling for victims of sexual assault.[281] Unlike SAVI Guides, SAVI Advocates are required to report all allegations of sexual assault to the chain of command.[282] Information about the SAVI Program and links to local rape crisis services are accessible to midshipmen through the SAVI website.

---

[255] Telephone interview by Panel Staff with the Director of Office of Policy, Planning, & Analysis at West Point (Aug. 7, 2003).

[256] Telephone interview by Panel Staff with the Program Coordinator for the Sexual Assault Victim Intervention ("SAVI") Program at the Naval Academy (Aug. 8, 2003).

[257] SAVI Guides, assigned one per company, are not permitted "to act as counselors or Sexual Assault Victim Advocates," but "may assist in victim advocacy under the direct supervision of the assigned SAVI Advocate." *COMDTMIDNINST 1752.1A(3)* Midshipman SAVI Guide Program ¶ 4. SAVI Guides are responsible for conducting four training sessions per semester, one for each class. *COMDTMIDNINST 1752.1A(2)* Brigade Sexual Assault Awareness Education ¶ 6.b.(2).

[258] SAVI Guides are required to complete an annual three-day training program and attend monthly meetings.

[259] A primary assault is one that occurred to the midshipman speaking with the SAVI Guide. A secondary assault is one that happened to a friend or acquaintance of the midshipman speaking with the SAVI Guide.

[260] The SAVI Program Coordinator gives this sexual assault data to the Program Director, and it is then passed up the chain of command to the Commandant, and Superintendent.

Midshipmen desiring to speak with a counselor under limited confidentiality may receive counseling through the Midshipman Development Center ("MDC").[283] Midshipmen with mental health needs that exceed the scope of MDC are referred to the Naval Medical Clinic in Annapolis, Maryland.[284]

As noted above, the Panel recognizes the Academy and cadets favorably view using CASIE cadet representatives. However, the Panel believes that the preferred initial point of sexual assault reporting should be a licensed psychotherapist. **Accordingly, the Panel recommends that the Academy establish a program that combines the existing CASIE program with a Victim Advocate psychotherapist managing the program, and which offers cadets a choice in reporting either to the psychotherapist or to a cadet peer.**

Cadets choosing to speak with a licensed professional should be able to contact the Victim Advocate psychotherapist[285] in person or through the hotline. Upon receiving the initial report, the Victim Advocate psychotherapist should ascertain whether the victim chooses to make a report to law enforcement, encourage the victim to report the offense and explain the consequences of not reporting the offense to law enforcement. If the victim chooses to report the offense, the Victim Advocate psychotherapist may assist in making the contact and activating the Academy Response Team process. If the victim desires confidentiality, the psychotherapist may continue to address the victim's mental and emotional needs, and continue to help the victim understand the importance of choosing to report the sexual assault.

---

[281] *COMDTMIDNINST 1752.1A* ¶ 16.b. SAVI Advocates are required to complete twenty hours of SAVI Program training prior to appointment as a victim advocate, as well as ten to fifteen hours of annual refresher training.

[282] *COMDTMIDNINST 1752.1A* ¶ 13.b(5).

[283] *COMDTMIDNINST 1752.1A* ¶ 10.b. Midshipmen may also be referred to the Midshipman Legal Counsel or a chaplain. One civilian psychologist and several Navy psychologists staff the Midshipman Development Center ("MDC").

[284] The Naval Medical Clinic is staffed with two to three licensed psychologists, who are military officers, and one female civilian psychologist.

[285] It is suggested that the Academy develop a more neutral title for this individual to eliminate the stigma that the only reason a cadet would be making contact is because the cadet has been the victim of sexual assault.

Alternatively, cadets who are more comfortable reporting to a peer would be able to contact a CASIE cadet representative. **If reports to CASIE representatives continue to be considered non-confidential, then the Panel recommends that cadets be clearly advised of this fact and further advised that a confidential reporting option is available through the Victim Advocate psychotherapist. As an alternative, it is possible for CASIE cadet representatives to come within the protective umbrella of the psychotherapist-patient privilege if they meet the definition of being an "assistant to a psychotherapist." This alternative, along with specific Panel recommendations regarding supervision and oversight of the CASIE representatives is discussed above.**

Regardless of whether cadet victim reports to CASIE representatives are confidential or not confidential, it is critical that these cadets be properly supervised to ensure that they only provide for active listening, explaining options and serving as a referral resource. CASIE cadets should never cross the line into providing counseling or victim advocacy.

The Panel recommends that once the psychotherapist reporting option is fully implemented, the Academy conduct a thorough review of the CASIE program with a view toward either reducing the size of the program or eliminating it entirely. While the Panel does not disagree with providing an avenue for peer support, the Panel is concerned with the significant burden that is placed upon the shoulders of these young cadet volunteers, and the potential for the mishandling of sexual assault cases, however well-intentioned the cadet might be. The staffing of the Cadet Counseling Center can more than adequately support the sexual assault reporting process and the victim advocacy program without the need to deputize cadet volunteers.

As an interim measure, the Panel recommends that the Academy consider modeling the CASIE program after the Respect Program at West Point, and expand the program to include assisting cadets with issues such as homesickness, respect for fellow cadets and academic difficulties. Doing so would also serve to diminish the impression, often stigmatizing, that the cadet has approached a CASIE representative because she had been sexually assaulted.

Finally, the Panel believes that information about sexual assault awareness must be readily available and easily accessible. **Therefore, the Panel recommends the Academy create a web site devoted to educating cadets about sexual assault.** The web site should be accessible through an intuitive search of the Academy homepage, and contain all of the information presented to the Cadet Wing by CASIE representatives, and the information provided in the Sexual Assault Awareness Month seminars. The web site should provide the phone number for the sexual assault reporting hotline, the names and phone numbers of available psychotherapists and the names of CASIE cadet representatives listed by squadron. The web site should also include information about rape kit examinations, the importance of follow-up care such as testing for pregnancy and sexually transmitted diseases (STDs), the names and locations of Air Force, local and Academy support organizations,[266] and links to other relevant web sites.

3. *Policy to Encourage Reporting: "Amnesty"*

All Academy personnel have a duty to report suspected violations of established standards to the cadet's chain of command, including any involvement with civilian or military law enforcement authorities.[267] Such reports are made on the Air Force Cadet Wing Form 10, *Report of Conduct*.[268]

Prior to March 2003, the Academy had a discretionary policy, intended to encourage cadets to report sexual assaults, that provided that cadets would "generally not be disciplined" for self-identified violations of cadet instructions that may have occurred in connection with an assault.[269] However, the *Working Group Report* found that the Academy's amnesty policy "was not well understood by cadets or leadership, and uncertainty as to its efficacy reduced any effect it may have had in encouraging reporting."[270]

Several cadet victims of sexual assault reported to the Working Group, the media and the Panel that cadets were afraid to report instances of sexual assault because of concern that they, and other cadet witnesses, would be punished for infractions. Such infractions included underage drinking or fraternization that occurred in connection with the assault or which would be revealed through investigation of the assault. Some cadets have reported that they were punished for such infractions.

---

[266] This should include CASIE, AFOSI, the Cadet Counseling Center, TESSA and any other organization the Academy deems appropriate. The web site should provide the mission statement for each organization and whether it is affiliated with the Academy.

[267] USAFA Cadet Wing Instruction 51-201 at ¶3.1.

[268] *Id.* at ¶3.1.1.

[269] USAFA Instruction 51-201 ¶2.8.3: "Violation of Cadet Wing Instruction. To encourage cadets to report sexual assaults and to ensure they receive available medical and counseling services, cadet victims will generally not be disciplined for self-identified violations of cadet instructions (such as pass violations, unauthorized alcohol consumption, or unauthorized dating) that may have occurred in connection with an assault. AOCs may still counsel cadets about such violations; however, the decision whether or not to sanction other witnesses for related minor offenses will be made on a case-by-case basis."

[270] *Working Group Report*, at 166.

The Panel questioned Academy leadership on the issue of whether the Academy took disciplinary action against female cadets who alleged sexual assault. In response to questioning, the former Training Group Commander told the Panel that "there were never any victims who served punishments that claimed sexual assault."[271] Academy officials later clarified this statement and indicated that, while an actual punishment was not imposed, sexual assault victims had received Form 10s and, in the majority of cases, would have been placed on restriction while the matter which was the subject of the Form 10 was under review.[272] It is not difficult to understand how a cadet could perceive this loss of liberty as being tantamount to punishment.

The *Agenda for Change* directed implementation of a new amnesty policy for the Academy:

> *In all reported cases of sexual assault, amnesty from Academy discipline arising in connection with the alleged offense will be extended to all cadets involved with the exception of the alleged assailant, any cadet involved in covering up the incident, any cadet involved in hindering the reporting or investigation of the incident, and the senior ranking cadet in attendance. The senior ranking cadet will be responsible and accountable for all infractions committed by junior cadets.*[273]

The intent of Air Force leadership was that this provision would give "blanket amnesty with few exceptions."[274] In an effort to deter the potential for abuse of amnesty, the *Agenda for Change* also provides that "any false accusations of sexual assault will be prosecuted to the full extent of the law."[275]

In subsequent guidance, the Academy has defined "Academy discipline" to include infractions such as "over the fence," unauthorized consumption of alcohol and fraternization or unprofessional relationships.[276] Additionally, Academy officials have advised the Panel that amnesty will not be granted in the case of an Honor Code violation.[277] Academy officials concede that they are still grappling with the amnesty policy[278] and there are still several issues raised by the Working Group that need to be addressed.[279]

---

[271] Statement of Colonel Slavec to the Panel in Colorado Springs, Colo. (July 11, 2003).

[272] Video Teleconference, *Agenda for Change* Status Briefing by Colonel Gray with Panel Staff (July 24, 2003). USAFA Instruction 51-201 ¶3.2.5 mandates that "cadets cannot sign out on any liberties or passes until the AFCW Form 10 is completely processed and closed out." Additionally, cadets pending Class D violations are restricted to the squadron area.

[273] *Agenda for Change*, at 6.

[274] Statement of Mary L. Walker to the Panel in Washington, D.C. (June 23, 2003).

[275] *Agenda for Change*, at 6.

[276] *Commander's Guidance 06-3* (June 6, 2003).

While the Panel understands that the newly-established Academy Response Team will be involved in addressing collateral misconduct in cases of sexual assault,[280] the Panel is concerned that a new school year has already commenced without a clearly defined policy. Consequently, the Panel reviewed the amnesty policies and practices at West Point and the Naval Academy to determine if those policies would assist in formulating an Air Force Academy policy.

At the outset, the West Point and Naval Academy instructions[281] do not refer to their policies as "amnesty"; rather, they are policies to encourage reporting. This change in focus

---

[277] Video Teleconference, *Agenda for Change* Status Briefing by Colonel Gray with Panel Staff (July 24, 2003).
[278] *Id.*
[279] The Working Group noted that several issues involving the amnesty policy need to be addressed to avoid misunderstandings in the future: whether amnesty will apply to cadet infractions factually related to the sexual assault, but not part of the specific incident of assault; whether amnesty will apply to matters beyond mere cadet infractions, such as violations of the UCMJ; whether other command responses, such as counseling, are permissible even though amnesty applies; and, whether victim misconduct can be considered for potentially adverse purposes other than discipline. (*Working Group Report*, at page 49.)
[279] Interview by Panel Staff with Academy Response Team in Colorado Springs, Colo. (Aug. 4, 2003).
[280] *Id.*
[281] The West Point policy regarding victim and witness misconduct in cases of sexual assault is set forth in *USCC POLICY MEMORANDUM 39-03*, United States Corps of Cadets (USCC) Sexual Assault Response Program (Apr. 25, 2003). Paragraph 6(c)(3) provides: "The Chain of Command's provision to encourage reporting. The Chain of Command wants all incidents of sexual assault or past sexual assaults reported. In cases where the behavior by the victim may also be considered an offense … the circumstances surrounding the assault and its impact upon the victim shall be considered in determining whether it is appropriate to initiate or recommend administrative, disciplinary, or judicial action against a victim. The Commandant makes such decisions concerning cadet victims on a case-by-case basis. Final decisions and/or recommendations will be made after a thorough review of all reasonably available information and careful consideration of the severity of the offense(s) and the likelihood that the offense(s) would have otherwise been reported. Recognizing that victims may be reluctant to provide relevant information because it may implicate misconduct by non-assailant peers or friends, this policy provision is intended to encourage victim reporting and all matters shall be considered and carefully weighed before disciplining other cadets based on such information."

The Naval Academy policy is set forth in *COMDTMIDNINST 1952.1*, Sexual Assault Victim Intervention (SAVI) Program (May 7, 2003). Paragraph 8(d) provides: "In cases where behavior by the victim may also be considered an offense … the circumstances surrounding the assault and its impact upon the victim shall be considered in determining whether it is appropriate to take administrative or disciplinary action against the victim. To encourage midshipmen to report sexual assaults and to ensure they receive available medical and counseling services, midshipmen victims of sexual assault generally

BEST COPY AVAILABLE

may alleviate some of the negative connotations associated with the term "amnesty," and it avoids using a term that is not recognized in the administration of military justice. Second, neither of the other two academies allows for a blanket grant of amnesty, but provides that the decisions will be made on a case-by-case basis. A blanket grant of amnesty may create a perception that it has been used as a sword, rather than as a shield, should the alleged victim claim "sexual assault" to avoid accountability for the victim's own misconduct or the discipline of "witness" friends for their misconduct. Third, the Naval Academy and West Point policies postpone decisions regarding victim misconduct until after a thorough review of all reasonably available evidence, careful consideration of the severity of the offense, and the likelihood that the offense would have otherwise been reported. Fourth, the West Point policy also sets out who will be the decision authority. A similar statement would be helpful to the Air Force Academy, particularly since there was apparent confusion among prior Academy leadership regarding who made amnesty decisions.[282] Finally, the other two academy policies provide that, in the case of non-assailant peers and friends, the policy to encourage victim reporting should be given careful consideration before making a determination on their discipline.

The Panel recommends the Air Force review the West Point and Naval Academy policies and adopt a clear policy to encourage reporting of sexual assault. The policy should provide the Commandant or Superintendent shall make determinations on a case-by-case basis. This decision should involve advice from the Academy Response Team and the Academy Staff Judge Advocate, and provide for careful consideration of many factors, including the circumstances surrounding the alleged sexual assault, the evidence supporting the allegation of sexual assault, the seriousness of the victim's reported misconduct and its relationship to the sexual assault, and need to encourage victims now and in the future to report sexual assaults.

---

will not be disciplined for self-reported violations of [the UCMJ or administrative Conduct System] such as alcohol offenses or prior consensual sexual misconduct factually related to the assault. Midshipmen will generally receive Responsibility Counseling ... for such violations. Final decisions concerning the processing of violations committed by midshipmen victims will be made on a case-by-case basis, after a thorough review of all reasonably available information, and considering the severity of the offense(s) and the likelihood that the offense(s) would have otherwise been reported. Recognizing that victims may be reluctant to provide relevant information also implicating misconduct by non-assailant peers or friends, the above policy to encourage victim reporting shall be considered and carefully weighed before disciplining other midshipmen based on such information."

[282] *Working Group Report*, at 47.

B. Response to Allegations of Sexual Assault

1. Academy Response Team

Prior to March 2003, the Academy body charged with providing interdisciplinary case management in cases of sexual assault was the SASC.[283] The SASC was also charged with serving as a central resource for tracking and monitoring reported cases of sexual assault and providing biannual reports on sexual assault issues to senior Academy leadership. The *Working Group Report* found that the SASC had failed to perform its primary duty of interdisciplinary case management and was not effectively engaging all components responsible for deterrence of, and response to, sexual assaults.[284] In response to these identified shortcomings, the *Agenda for Change* directed an Academy Response Team ("ART") be established "to provide a victim of sexual assault immediate assistance, develop the facts, and initiate appropriate actions."[285] According to Academy guidance, the purpose of the ART is to provide effective, immediate response and victim support, as well as follow-on case management.[286] Additionally, Academy officials have advised the Panel that the ART will perform all functions of the former SASC, including tracking and reporting sexual assault cases.[287]

There are four major responsibilities of the ART in the prevention of, and response to, sexual assaults: (1) first response; (2) case management; (3) training; and (4) assessment.[288] In its first response role, Tier I of the ART will be notified immediately upon report of an allegation of sexual assault. The Tier I team consists of the Vice Commandant of Cadets, a Victim Advocate

---

[283] USAFA Instruction 51-201 § 2.4. According to the instruction, the SASC was responsible for serving as "the (1) Office of Primary Responsibility ("OPR") for coordinating medical services, psychological counseling, legal advice, administrative intervention, and education concerning sexual assault; (2) key administrative body for the Cadet Sexual Assault Hotline, and the Victim Advocate Program; and (3) central resource for tracking and monitoring reported cases of sexual assault."

[284] *Working Group Report*, at 53-55.

[285] The *Agenda for Change* specifically tasks the Vice Commandant with overseeing the Academy's sexual climate issues and directs that the Vice Commandant will: "With the support of officers detailed to the Vice Commandant from the Office of the Staff Judge Advocate, the Counseling Center, and the Office of Special Investigations, develop, and implement procedures for an Academy Response Team (comprising medical, legal, counseling, and command elements) to provide a victim of sexual assault immediate assistance, develop the facts, and initiate appropriate actions. The members of this team will receive special training on the management of sexual assault cases including victim psychology. The cadet alleging sexual assault will be thoroughly briefed on the investigative and legal process." *Agenda for Change*, at 3.

[286] *Commander's Guidance 05-8* (May 27, 2003).

[287] Video Teleconference, *Agenda for Change* Status Briefing by Colonel Gray with Panel Staff (July 24, 2003).

[288] Statement of Colonel Gray to the Panel in Colorado Springs, Colo. (July 11, 2003).

Coordinator, an AFOSI liaison,[289] a legal liaison, an AFOSI representative and a Security Forces representative.[290] The AFOSI liaison and legal liaison are detailed directly to the Vice Commandant and, along with the Victim Advocate Coordinator, will be responsible for ensuring that the complainant is offered all available services and explaining to the complainant (and, if she desires, her parents or other individuals[291]) the applicable investigative and legal processes. Whenever necessary, the Vice Commandant may activate Tier 2 of the response team, which could include chaplains or medical personnel. Additionally, the Vice Commandant will be responsible for the dissemination of information up the chain of command to the Commandant and the Superintendent and, if appropriate, down the chain of command to the responsible squadron AOC.

In its case management role, the ART will address longer-term issues, such as whether the complainant or the alleged perpetrator should be moved out of the dormitories and if the complainant needs assistance in alleviating the impact on her studies, to include receiving a leave of absence from the Academy.[292] Most importantly, the ART will be responsible for addressing collateral misconduct and infractions committed by a complainant or witnesses to the offense and, where warranted, stopping inappropriate Academy cadet disciplinary actions that may be in process.[293]

In its training role, the ART will be responsible for providing training to all levels of the Academy, both assigned personnel and the Cadet Wing.[294] In particular, in the next several months, the Vice Commandant and key members of the ART will meet with each individual squadron to discuss sexual assault policies and procedures. The intent of these meetings is "to build trust and confidence with cadets for the prevention of sexual assault cases and the prompt reporting of incidents, should they occur."[295]

---

[289] The AFOSI liaison will not be involved in the investigation of the alleged assault, but will serve as a victim liaison and Academy resource.

[290] *Commander's Guidance 05-8* (May 27, 2003).

[291] In his statement to the Panel, Senator Allard expressed concern that the role of the victim's parents is often largely overlooked. Statement of Senator Allard to the Panel in Washington, D.C. (June 23, 2003). The Panel recognizes that parents can provide a tremendous amount of support to victims of sexual assault, and the Panel is confident that the victim-oriented Academy Response Team ("ART") is well-suited to appropriately involve parents in the support and healing process. However, the Panel also recognizes the fact that Academy cadets are emancipated adults, and any involvement of parents must be with the express consent of the cadet.

[292] Statement of Colonel Gray to the Panel in Colorado Springs, Colo. (July 11, 2003). As part of its case management responsibility, the ART will utilize its expertise to streamline appointments and engage on the victim's behalf when issues related to the sexual assault impact academic, military, or athletic performance. As an example, the ART will use its representative in the medical clinic to assist with appointments for the victim and ensure that one medical provider is assigned to the victim so they do not have to re-explain the sexual assault incident to a different provider each time they seek medical care.

[293] Interview by Panel Staff with ART in Colorado Springs, Colo. (Aug. 4, 2003).

[294] Statement of Colonel Gray to the Panel in Colorado Springs, Colo. (July 11, 2003).

The Panel conducted an extensive review of the newly-established ART, its functions and processes, and its assigned personnel. The Panel has concluded that the ART presents a significant positive step toward achieving a consistent, appropriate response to allegations of sexual assault, and to restoring trust and confidence in the Academy's handling of these allegations. In particular, the key team members have an impressive depth and breadth of experience and a high level of enthusiasm and commitment to these important responsibilities. The Panel is encouraged that the ART has the necessary foundations to endure beyond the short-term implementation of the *Agenda for Change* and to become a lasting Academy institution.

The Panel is encouraged that the ART has the necessary foundations to endure beyond the short-term implementation of the Agenda for Change *and to become a lasting Academy institution.*

The Panel recommends that the Academy ensure that the ART is always proactively involved in cases in which the victim and potential witnesses are also alleged to have committed misconduct. The ART may play a critical role in ensuring that the victim and potential witnesses are not subjected to Academy discipline until an appropriately high-level Academy official carefully considers all the facts and circumstances. **The Panel also recommends that the ART continue to remain involved in a case, in the event that a particular allegation is suspected to be false.**[296] The ART may assist the chain of command in making a well-reasoned, fact-based decision on whether to pursue the alleged false allegation.

Finally, the licensed psychotherapist overseeing the sexual assault reporting process should not be the Victim Advocate Coordinator assigned to the ART. If the Victim Advocate Coordinator is also the psychotherapist engaging in privileged communications with the victim, he or she may encounter difficulty distinguishing confidential information when discussing the case within the ART.

---

[295] Memorandum for Record from Colonel Gray (Aug. 1, 2003).

[296] The *Agenda for Change* states "any false accusations of sexual assault will be prosecuted to the full extent of the law." *Agenda for Change*, at 6.

2. *Law Enforcement Response*

The AFOSI is responsible for conducting investigations of serious crimes, including rape, sodomy, carnal knowledge, child molestation and assaults involving serious bodily harm.[297] Some cadets, CASIE representatives and victim advocates have expressed concern about AFOSI's treatment of victims and the manner in which it conducted sexual assault investigations.[298] These concerns generally involve complaints about the unpleasantness of the investigative process, insensitivity of the investigating Special Agents and the negative impact on victims and witnesses that sometimes result from the process.[299] The Panel also heard from representatives of TESSA,[300] expressing doubts about AFOSI's ability to effectively investigate sexual assault cases.

AFOSI policy and guidance specifically recognizes that the psychology of sexual victimization or exploitation may easily go beyond the capability of the average agent.[301] According to AFOSI leadership, this explicit recognition of the difficulties presented by these cases influences its policies, guidance and resources for conducting sexual assault investigations.[302]

---

[297] In accordance with a Memorandum of Understanding between the Academy and the El Paso County Sheriff's Office, the AFOSI has primary jurisdiction for sexual assaults upon cadets on Academy grounds. AFOSI is governed by Pub. L. No. 99-145, 99 Stat. 583 (1985); DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations," June 21, 2002; Air Force Policy Directive 71-1, "Criminal Investigations and Counterintelligence," July 1, 1999; Air Force Instruction 71-101, Volume 1, "Criminal Investigations," December 1, 1999; *AFOSIMAN* 71-122, "Criminal Investigations," August 12, 2002; and the AFOSI Handbook, "Special Investigations Crime Scene Handbook," January 10, 2000 71-124. In addition to complaints of sexual assault, AFOSI conducts investigations of abuse of authority involving sexual behavior that may not be criminal in nature, but falls into the category of sexual harassment such as unwelcome comments, solicitation of sexual acts, and related conduct. Instructor/Student and cadet-on-cadet incidents are included in the category of matters investigated by AFOSI.

[298] The investigation of specific complaints regarding the actions of Academy administration and AFOSI staff in responding to complaints of sexual assault is ongoing by the Air Force IG. According to representatives of the Air Force IG, seven of twenty-six complaints received from cadets and other sources include issues involving AFOSI.

[299] The Panel noted that Cadets, a Cadet Counseling Center Victim Advocate, CASIE Representatives and TESSA Counselors all have expressed various concerns about reporting incidents of sexual assault to AFOSI. These concerns included perceptions that the victim's complaint was not believed by the agent, perceptions that the investigation appeared to focus on the conduct of the victim and witnesses, a perceived attitude on the part of the agent as uncaring and distant, concerns that AFOSI was not keeping information confidential and the fact that some investigations did not result in criminal charges.

[300] Statement of Jennifer Bier and Janet Kerr to the Panel in Colorado Springs, Colo. (July 10-11, 2003).

[301] *AFOSIMAN 71-122* ¶ 2.3.1.1

[302] Interview by Panel Staff with Colonel Shirley at Andrews Air Force Base, Md. (Aug. 5, 2003).

BEST COPY AVAILABLE

The AFOSI manual identifies rape as among the most serious of crimes to be investigated because of the long-lasting trauma for the victim and persons close to the victim. Accordingly, Special Agents are cautioned to use extreme care to ensure that investigative procedures do not cause or aggravate any emotional harm to the victim. It is required that all reported allegations of rape be investigated to their logical conclusion, and the heads of individual offices must immediately coordinate these investigations with their respective Forensic Sciences Consultant ("FSC").[303]

AFOSI agents must adhere to a number of requirements when interviewing and working with victims of sexual assault.[304] Sometimes it is necessary that the victim be interviewed several times to fully develop the evidence, resolve inconsistencies that may exist and clarify the circumstances and details of the incident. However, before scheduling a clarification interview with a victim, the agent must first conduct a thorough analysis of the case to determine if the interview will add significant information to the investigation or likely yield information to clear a wrongly accused subject. Additionally, the Detachment Commander, the FSC, Staff Judge Advocate and, when appropriate, AFOSI headquarters, must first be consulted.[305]

AFOSI has stringent guidelines on investigations of victims. Such investigations must be based on evidence indicating that the victim knowingly made a complaint against an innocent person, may not be initiated merely because the victim refused to cooperate, must be investigated separately from the sexual assault complaint, and must be coordinated with the Detachment Commander, servicing FSC, and an AFOSI headquarters clinical psychologist.[306]

---

[303] Forensic Sciences Consultants ("FSC") are experienced senior Special Agents who have completed the requirements of a Masters of Forensic Science degree from George Washington University and formal training through the Armed Forces Institute of Technology Forensic Science Program. FSC's provide field offices with on-scene assistance, telephonic advice, expert coordination, and training in most forensic science specialties. Also, they testify as expert witnesses at military judicial proceedings in such areas as laboratory analyses of evidence, issues related to physical and biological evidence, and crime scene reconstruction. *AFOSIMAN* 71-22,¶ 2.3.3 and 2.3.3.1.1; *see also* AFOSI "Talking Paper on AFOSI Forensic Sciences Consultants."

[304] Guidance for AFOSI agents includes caution that victims must be approached tactfully and in a sensitive manner because they may be in shock and are often traumatized by the incident. Victims must be asked if they would like an investigator of the same sex to be present when they are interviewed and accorded their request as desired. While victims and witnesses should be encouraged to fully cooperate in the investigation, they should not be intimidated or forced to cooperate. Agents may consult with Staff Judge Advocates and the victim's commander to determine whether the victim should be ordered to submit to interviews, but such requests are seldom made by AFOSI.

[305] *AFOSIMAN 71-122,* ¶ 2.3.3.4.1, 2.3.3.4.2.

[306] *AFOSIMAN 71-122* ¶ 2.3.3.1.2, 2.3.3.3.3.

"Psycho-physiological Detection of Deception" (PDD) examinations, commonly referred to as polygraph examinations, may be administered to subjects, victims and witnesses in sexual assault cases.[307] Polygraph examinations are investigative tools that assist the investigator in considering the information received from individuals during an investigation.[308] The results of the examination and any statements made by the subject during the examination process, considered in light of all of the available evidence, may assist the investigator in deciding whether to continue or conclude the investigation. However, polygraph examinations are not to be routinely offered to victims and all examination requests must be approved by AFOSI senior commanders and/or the PDD Program Management Office.[309]

In addition to FSCs and polygraph examination specialists, AFOSI has two Ph.D.-level clinical psychologists on its headquarters staff who are recognized experts in domestic violence and sexual assault issues. These clinical psychologists are on call 24 hours daily to provide assistance in sexual assault cases.[310]

AFOSI agents are required to comply with the Victim and Witness Protection Act of 1982.[311] AFOSI will provide victims and witnesses with a copy of DD Form 2701, *Initial Information for Victims and Witnesses*, and will inform victims and witnesses where they may go to receive assistance. Additionally, AFOSI will ensure that reasonable protection is provided to victims and witnesses whose safety and security are jeopardized.

According to AFOSI leadership, agents are trained to be generalists effectively responding to the numerous criminal complaints received by its detachments worldwide. AFOSI leadership cannot justify the placement of specialists in its detachments given its mission, the varied size of its detachments[312] and the volume of criminal activity in any particular category. However, AFOSI compensates for the lack of specialization with training and supporting resources.

Special Agents receive basic criminal investigative training through the Federal Law Enforcement Training Center's eight-week "Criminal Investigation Training Program."

---

[307] *AFOSIMAN 71-103*, Vol. 1, ¶ 1, 2.

[308] For example, in cases in which there is no forensic or independent evidence of force and the issue of consent is in question, a polygraph examination of the subject may be administered to assist the investigator in evaluating the subject's statement that the activity was consensual.

[309] *AFOSIMAN 71-103*, Vol. 1, ¶2.1, 4.

[310] Interview by Panel Staff with Colonel Shirley at Andrews Air Force Base, Md. (Aug 5, 2003).

[311] 18 U.S.C. §§ 1512-1515, 3663, 3664.

[312] AFOSI Detachments generally range in size from four to forty agents.

Following the successful completion of this course, agents then attend a six- to eight-week AFOSI Agency Specific Program ("ASP") that provides training on the UCMJ and the types of investigations they are likely to conduct as military criminal investigators. Much of this training is focused on crimes against persons, such as assault, robbery and rape. Upon graduation from ASP, agents are assigned to a detachment to complete a one-year probationary period. During this probationary period agents must successfully complete a mandatory Career Development Course intended to bring them to a fully qualified level.[313]

According to AFOSI, its agents receive more than 90 hours training in support of sexual assault investigations. This training involves both general instruction applicable to all investigations and focused instruction on the investigation of crimes against persons, including sexual assaults.[314] The training addresses various aspects of the effects of violent crimes on victims, such as the primary injuries inflicted by a criminal on a victim, the secondary injuries inflicted by society that may result in injustice, indignity and isolation for the victim, and the victim's need for emotional support, safety and security. In addition to these courses, agents regularly receive in-service training throughout their careers to maintain the currency of their skills and meet the needs of AFOSI's mission.

Initiating and maintaining a positive relationship with a victim is often a factor of the skill and personality of the case agent. Maintaining rapport with a victim of traumatic crime and being an independent and objective finder of fact, is often a delicate balance. However, AFOSI leadership believes that the training its agents receive, the availability of highly specialized resources (such as FSCs and clinical psychologists), and the supervision and oversight given these cases provide an effective framework for responding to these challenges.[315]

AFOSI has designated the Commander of the Academy's AFOSI detachment, Detachment 808, as a field grade officer position. The current Detachment 808 Commander is a certified FSC (although not currently assigned to perform in that position) with extensive experience in conducting sexual assault investigations. The remaining staff, comprised of officers, non-commissioned officers and civilian special agents, was specifically selected for assignment to the Academy because of their experience and perceived ability to work in that sensitive environment. Additionally, agents, including the regional FSC for Detachment 808, are available from nearby Peterson Air Force Base and Buckley Air Force Base to provide assistance when necessary.

---

[313] Interview by Panel Staff with Colonel Shirley at Andrews Air Force Base, Md. (Aug. 5, 2003); E-mail from Colonel Michael McConnel, USAF, Office of the Secretary of the Air Force, Director, Special Investigations (SAF/IGX), to Panel Staff (Aug. 4, 2003); and AFOSI "Talking Paper on Sexual Assault Investigation Training and Victim Sensitivity."

[314] *Id.* The training includes specific topics such as use of sexual assault kits, physical and biological evidence, crime scene processing, techniques and strategies for resolving inter-personal crimes of violence, the victim/witness assistance program, and interviewing victims. Interviewing is comprised of 15 hours of lecture and 18 hours of practical exercises that include topics relating to interaction with victims.

[315] Interview by Panel Staff with Colonel Shirley at Andrews Air Force Base, Md. (Aug 5, 2003).

AFOSI leadership and the Detachment 808 Commander believe the training received by agents, coupled with the availability of real time resources, provides a fully capable and robust framework for responding to sexual assaults at the Academy. To improve its skills in this area and ensure a compassionate response to victims, AFOSI is developing an advanced course of instruction on sexual assault investigations that will be first presented to Detachment 808 agents in fall 2003. The course will be modeled on nationally recognized and respected training that is currently given to civilian law enforcement officers.

The Panel commends AFOSI's decision to develop advanced training in sexual assault investigation that it will provide to its Academy agents. The Panel encourages AFOSI to consider other ways to enhance the capacity of Detachment 808 to deal with the environment in which it operates. This may include extending the normal rotational cycle of its experienced agents, assuring that newly assigned agents are briefed on the Academy environment and sensitivities and availing itself of resources in the civilian law enforcement community.

The Panel recommends the AFOSI Academy detachment participate fully in the recently established Academy Response Team and use it for informing and educating Academy leadership, victim advocates and CASIE representatives of their responsibilities and limitations. AFOSI's educational efforts should include programs that provide a basic understanding of how and why it takes certain investigative actions, and the benefits of timely reporting and investigation of all sexual assault incidents.

3. Rape Kit Exams

The Panel concurs with the Air Force's position that rape kit examinations should continue to be done by certified and experienced Sexual Assault Nurse Examiners at Memorial Hospital in Colorado Springs, pursuant to the practice that has been in place for some time.[318] The continued treatment of rape victims at Memorial Hospital assures the availability of highly specialized staff and facilities that are not currently available at the Academy, that medical staff who treat cadet victims are trained and experienced in treating sexual assault injuries, and, that forensic evidence and other information collected as the result of the examination and treatment is preserved for use in future legal proceedings. However, the Panel encourages the Academy to continue to explore options for making rape kit exams more easily accessible to cadet victims at the Academy hospital and consider possible options for victims to receive a rape kit exam confidentially.

---

[318] Memorandum from Secretary Roche to Assistant Secretary Dominguez (Aug. 14, 2003).

The Panel recommends the Academy take measures to ensure that transportation to the hospital, and any other necessary logistical support, is always available to a cadet choosing to receive a rape kit examination. In particular, transportation must be provided by an appropriate individual, such as the psychotherapist or Academy Response Team member who will be discreet and can address the victim's emotional needs during the long car trip to the hospital.

VII. RECOMMENDATIONS

After performing the study required by H.R. 1559 and reviewing the policy changes being implemented by the *Agenda for Change*, the Panel has made various recommendations throughout this report. Those recommendations, organized according to the major area of this report to which they apply, are summarized below.

Awareness and Accountability – Section III

1. The Panel recommends that the DoD IG conduct a thorough review of the accountability of Academy and Air Force Headquarters leadership for the sexual assault problems at the Academy over the last decade. This review should include an assessment of the actions taken by leaders at Air Force Headquarters as well as those at the Academy, including General Gilbert, General Wagie and Colonel Slavec. The review should also consider the adequacy of personnel actions taken, the accuracy of individual performance evaluations, the validity of decorations awarded and the appropriateness of follow-on assignments. The Panel further recommends that the DoD IG provide the results of the review to the House and Senate Armed Services Committees and to the Secretary of Defense. (Page 42)

Command Supervision and Oversight at the Academy – Section IV

2. The Panel recommends that the Secretary of the Air Force adopt the management plan announced on August 14, 2003, including the creation of an Executive Steering Group, as the permanent organizational structure by which the senior Air Force leadership will exercise effective oversight of the Academy's deterrence of and response to incidents of sexual assault and sexual harassment. (Page 45)

3. The Panel recommends that the Air Force extend the tour length of the Superintendent to four years and the tour length of the Commandant of Cadets to three years in order to provide for greater continuity and stability in Academy leadership. (Page 46)

4. The Panel recommends that the Air Force prepare a legislative proposal to revise 10 U.S.C. § 9335(a) to expand the available pool of potential candidates for the position of Dean of Faculty beyond the current limitation to permanent professors. (Page 46)

5. The Panel recommends that the Academy Board of Visitors:

- Operate more like a corporate board of directors with regularly organized committees charged with distinctive responsibilities (*e.g.*, academic affairs, student life, athletics, etc.). The Board should meet not less than four times per year, with at least two of those meetings at the Academy. To the extent practical, meetings should include at least one full day of meaningful participation and should be scheduled so as to provide the fullest participation by Congressional members. Board members must have unfettered access to Academy grounds and cadets, to include attending classes and meeting with cadets informally and privately; and
- Receive candid and complete disclosure by the Secretary of the Air Force and the Academy Superintendent of all institutional problems, including but not limited to, all gender related matters, cadet surveys and information related to culture and climate and incidents of sexual harassment and sexual assaults. (Page 49)

6. The Panel recommends that the Air Force prepare a legislative proposal to revise 10 U.S.C. § 9355. The suggested revisions should include both the foregoing and following recommendations:

- Changing the composition of the Board to include fewer Congressional (and, therefore, more Presidential-appointed) members, more women and minority individuals and at least two Academy graduates;
- Requiring that any individual who accepts an appointment as a Board member does, thereby, pledge full commitment to attend each meeting of the Board, and to carry out all of the duties and responsibilities of a Board member, to the fullest extent practical;
- Terminating any Board member's appointment who fails to attend or fully participate in two successive Board meetings, unless granted prior excusal for good cause by the Board Chairman;
- Providing clear oversight authority of the Board over the Academy, and direct that, in addition to the reports of its annual meetings required to be furnished to the President, it shall submit those reports and such other reports it prepares, to the Chairmen of the Senate and House Armed Services Committees, the Secretary of Defense and the Secretary of the Air Force, in order to identify all matters of the Board's concerns with or about the Air Force Academy and to recommend appropriate action thereon; and
- Eliminating the current requirement for Secretarial approval for the Board to visit the Academy for other than annual visits. (Pages 49-50)

Organizational Culture & Character Development – Section V

7. The Panel recommends that the Air Force conduct the same review of Non-Commissioned Officer assignment policies and tour lengths at the Academy as it is conducting for officer assignments policies. (Page 56)

8. The Panel recommends that the Academy draw upon climate survey resources at the Air Force Personnel Center Survey Branch for assistance in creating and administering the social climate surveys. Further, the Panel recommends that the Academy keep centralized records of all surveys, responses and reports and keep typed records of all written comments (not abbreviated or paraphrased) – to be provided as an appendix to any report. All such reports must be provided to Academy leadership. (Page 58)

9. The Panel recommends that the Academy place a renewed emphasis on education and encouragement of responsible consumption of alcohol for all cadets. (Page 61)

10. To ensure the safety of every cadet, the Panel recommends that the Academy implement a policy permitting unrestricted (*i.e.*, no explanation required at any time) private access to telephones for the use by any cadet, including Fourth-Class cadets, in an emergency. (Page 62)

11. The Panel recommends that the Center for Character Development education instruction be mandatory for all cadets. The Panel further recommends the cadet curriculum require completion of at least one course per year that emphasizes character values, for which cadets shall receive a grade and academic credit. (Page 68)

12. While the Panel appreciates that the demands on the time of new cadets are significant, we recommend reassessing the training calendar to place prevention and awareness training at a time of day in which cadets will be most receptive to the training session. (Page 73)

13. The Panel recommends that the Academy focus on providing better training to the trainers of prevention and awareness classes including enlisting the aid of faculty members who are well-skilled in group presentation techniques that are effective and energize the cadets, developing small group training sessions which will be more effective than large audience presentations, developing training sessions that educate the students on the reporting process and Air Force Office of Special Investigations investigatory practices and procedures, and establishing a review process for training session materials that includes the use of the

Academy Response Team and cadet cadre or some other multi-disciplinary group of experts. (Page 74)

Intervention and Response to Sexual Assault – Section VI

14. The Panel recommends that the Air Force establish a policy that achieves a better balance of interests and properly employs psychotherapist-patient counseling, and its associated privilege, for the benefit of cadet victims. The Panel recommends that the Academy's policy for sexual assault reporting clearly recognize the applicability of the psychotherapist-patient privilege and that the Academy staff the Cadet Counseling Center with at least one Victim Advocate provider who meets the legal definition of "psychotherapist." Further, the Panel recommends that the individual assigned to serve as the initial point of reporting, whether by "hotline" or in person, be a qualified psychotherapist who has completed a recognized rape crisis certification program. Optimally, the Victim Advocate psychotherapist should be in charge of the sexual assault program within the Cadet Counseling Center and will provide direction and supervision to those assistants supporting the assigned psychotherapists. (Page 80)

15. The Panel recommends that the Academy establish a program that combines the existing CASIE program with a Victim Advocate psychotherapist managing the program, and which offers cadets a choice in reporting either to the psychotherapist or to a cadet peer. If reports to CASIE representatives continue to be considered non-confidential, then the Panel recommends that cadets be clearly advised of this fact and further advised that a confidential reporting option is available through the Victim Advocate psychotherapist. As an alternative, it is possible for CASIE cadet representatives to come within the protective umbrella of the psychotherapist-patient privilege if they meet the definition of being an "assistant to a psychotherapist." (Pages 86-87)

16. The Panel recommends that once the psychotherapist reporting option is fully implemented, the Air Force Academy conduct a thorough review of the CASIE program with a view toward either reducing the size of the program or eliminating it entirely. As an interim measure, the Panel recommends that the Academy consider modeling the CASIE program after the Respect Program at West Point, and expand the program to include assisting cadets with issues such as homesickness, respect for fellow cadets and academic difficulties. (Page 87)

17. The Panel recommends that the Academy create a web site devoted to educating cadets about sexual assault. (Page 87)

18. The Panel recommends that the Air Force review the West Point and Naval Academy policies to encourage reporting of sexual assault and adopt its own clear policy to encourage reporting. (Page 91)

19. The Panel recommends that the Academy ensure that the Academy Response Team is always proactively involved in cases in which the victim and potential witnesses are also alleged to have committed misconduct. The Panel also recommends that the Academy Response Team continue to remain involved in a case, in the event that a particular allegation is suspected to be false. (Pages 94)

20. The Panel recommends that the Air Force Office of Special Investigations Academy detachment participate fully in the recently established Academy Response Team and use it for informing and educating Academy leadership, victim advocates and CASIE representatives of their responsibilities and limitations. AFOSI's educational efforts should include programs that provide a basic understanding of how and why it takes certain investigative actions, and the benefits of timely reporting and investigation of all sexual assault incidents. (Page 99)

21. The Panel recommends that the Academy take measures to ensure that transportation to the hospital, and any other necessary logistical support, is always available to a cadet who chooses to receive a rape kit examination. In particular, transportation must be provided by an appropriate individual, such as the psychotherapist or Academy Response Team member, who will be discreet and can address the victim's emotional needs during the long car trip to the hospital. (Page 100)

VIII. CONCLUSION

For nearly fifty years the United States Air Force Academy has been a model academic institution whose mission is to train and educate future leaders of our nation's armed forces. The institution's mission remains, yet its reputation has lost some of its luster as the school grapples with an institutional crisis that goes beyond its campus in the Rocky Mountains and extends to the halls of Congress and the Pentagon.

The Congress tasked this Panel to examine and investigate this misconduct whose roots, the Panel has found, have gradually grown to the foundation of the Academy and the Air Force. Though the magnitude of this crisis cannot be diminished, the Panel is confident the institution and its principled mission will survive for future generations.

The Panel has sought to help restore the institution's commitment to its cadets and the American people through substantive and constructive recommendations. This is an opportunity to strengthen an institution and help ensure it will have a safe and secure learning environment for all of its cadets.

The *Agenda for Change* is evidence that the Air Force, under the leadership of Secretary Roche and General Jumper, is serious about correcting the sexual assault problems that have plagued the Academy for a decade. The Academy's new leadership team already has implemented many changes to improve the immediate physical security of female cadets and more effectively respond to the needs of victims.

Despite these efforts, and those intended to address the underlying conditions that contributed to an environment in which sexual assaults occurred, the Academy and the Air Force must do much more. In addition to holding accountable those leaders who failed the Academy and its cadets, the Air Force must permanently change the Academy's institutional culture and implement command and oversight improvements that will identify and correct problems before they become engrained in the fabric of the institution.

Change will not happen overnight; nor will it truly be effective without a sustained, dedicated focus by Academy officials and senior Air Force leadership to alter the very culture of the Academy. The reputation of the institution, and by extension the Air Force it serves, depends on finding a lasting solution to this problem. Only then will the Academy restore its reputation and meet the high standards expected by the Air Force and our nation.

Through its work, the Panel found one thing to be certain: it is and should always be an honor to call oneself a cadet at the United States Air Force Academy.

IX. APPENDICES

PUBLIC LAW 108—11—APR. 16, 2003 117 STAT. 609

TITLE V--PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) Establishment.--There is established a panel to review sexual misconduct allegations at the United States Air Force Academy.

(b) Composition.--The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims (to include their medical and legal rights and needs), as well as the United States military academies.

(c) Chairman.--The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) Period of Appointment; Vacancies.--Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) Meetings.--The panel shall meet at the call of the Chairman.

(f) Initial Organization <<NOTE: Deadline.>> Requirements.--(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 8, 2003.

SEC. 502. DUTIES OF PANEL.

(a) In General.--The panel established under section 501(a) shall carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

[[Page 117 STAT. 610]]

(b) Review.--In carrying out the study required by subsection (a), the panel shall--

(1) review the actions taken by United States Air Force Academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

APPENDIX A-1

Legislation Appointing the Panel (Pub. L. No. 108-11, 117 Stat. 559 (2003))

PUBLIC LAW 108—11—APR. 16, 2003 · 117 STAT. 609

(4) review the relationship between--

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy;

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study; and

(6) review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General.

(c) Report.--(1) Not <<NOTE: Deadline.>> later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection 502(a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include--

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) Pay of Members.--(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) Travel Expenses.--The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

[[Page 117 STAT. 611]]

TITLE VI--GENERAL PROVISIONS--THIS ACT

Sec. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ``Emergency Wartime Supplemental Appropriations Act, 2003".

Glossary of Acronyms Used in this Document

ACES	Academy Character Enrichment Seminar
AF/SG	Air Force Surgeon General
AFOSI	Air Force Office of Special Investigations
AOC	Air Officer Commanding
ART	Academy Response Team
ASP	AFOSI Agency Specific Program
BCT	Basic Cadet Training
C1C	Cadet First-Class
C2C	Cadet Second-Class
C3C	Cadet Third-Class
C4C	Cadet Fourth-Class
CASIE	Cadets Advocating Sexual Integrity and Education
CCD	Center for Character Development
CCQ	Cadet-in-Charge of Quarters
COMDTMIDNINST	Commandant of Midshipmen, U.S. Naval Academy Instruction
CPD	Center for Personal Development
DoD IG	Department of Defense Inspector General
FSC	Forensic Sciences Consultant
GAO	General Accounting Office
IG	Inspector General
JAG	Judge Advocate General
JASM	Chief of the Military Justice Division
LSSC	Life Skills Support Center
MDC	Midshipman Development Center
MTL	Military Training Leader
OPNAVNOTE	Chief of Naval Operations Notice
OPR	Office of Primary Responsibility
PAT	Process Action Team
PDD	Psycho-physiological Detection of Deception
SAAM	Sexual Assault Awareness Month
SAF/IG	Air Force Inspector General
SAF/MR	Assistant Secretary of the Air Force for Manpower and Reserve Affairs
SAF/MRM	Deputy Assistant Secretary of the Air Force, Force Management & Personnel
SASC	Sexual Assault Services Committee
SAVI	Sexual Assault Victim Intervention Program
SPOI	Security Policy Office of Investigations

STD	Sexually Transmitted Disease
TAC	Tactical Officer
TESSA	Trust-Education-Safety-Support-Action
UCMJ	Uniform Code of Military Justice
USCC	United States Corps of Cadets
USMA	United States Military Academy

Biographies of Panel Members

Chairman Tillie K. Fowler

After a distinguished eight-year tenure in the U.S. House of Representatives, Tillie K. Fowler joined the Washington, D.C. office of Holland & Knight LLP as a Partner in 2001. She was elected to Congress in 1992 where she earned widespread bipartisan respect in defense and national security policy while representing Florida's fourth congressional district. She was a senior member of the House Armed Services Committee and House Transportation Committee. Fowler served six years as a member of the U.S. Naval Academy Board of Visitors and in 1997 she played an instrumental role in the congressional investigation into allegations that drill sergeants had assaulted trainees at the Army's Aberdeen Proving Ground. She was one of three lawmakers that comprised that investigative panel.

After serving only three terms, she was elected by her Republican colleagues as Vice Chairman of the Republican Conference–the fifth-ranking position in the elected leadership of the House of Representatives–making her the highest ranking woman in the U.S. Congress when she retired in January 2001.

In November 1999, Speaker of the House Dennis Hastert appointed her to his North Korea Advisory Group. In 2000, while chairman of the House Transportation Subcommittee on Oversight, Investigations, and Emergency Management, she introduced HR 4210, The Preparedness Against Terrorism Act. The bill would have established an office within the Executive Office of the President of the United States to coordinate the nation's terrorism preparedness effort. The measure passed the House on July 25, 2000.

Upon her departure from Congress, the Secretary of the Navy awarded Representative Fowler the Navy's Distinguished Public Service Award while the Secretary of Defense honored her with the Defense Medal for Distinguished Public Service. Most recently, Defense Secretary Donald Rumsfeld appointed her chairman of his Defense Policy Board Advisory Committee which she has served as a member since 2001.

Fowler currently holds a position on the Chief of Naval Operations Executive Panel and the Florida Domestic Security Advisory Panel on which Governor Jeb Bush asked her to serve following the September 11th terrorist attacks. Additionally, she recently completed a one-year appointment on the congressionally-mandated Commission on the Future of the Aerospace Industry. Fowler received both her Bachelors Degree and Law Degree from Emory University.

Lieutenant General Josiah Bunting III (Ret.)

Lieutenant General Josiah Bunting III (Ret.) graduated third in his class from Virginia Military Institute (Class of 1963), where he was the Cadet Regimental Commander, member of the Honor Court, Captain of the Swimming Team and recipient of a Rhodes Scholarship. After receiving a B.A. and M.A. from Oxford University, he entered the United States Army in 1966. During his six years of service, he reached the rank of Major, with duty stations at Fort Bragg, North Carolina; Vietnam (9th Infantry Division); and West Point, New York, where he was an assistant professor of history and social sciences. His military citations include the Bronze Star with 2 Oak Leaf Clusters, the Army Commendation Medal, the Vietnam Honor Medal-2nd Class, the Presidential Unit Citation, the Parachute Badge, the Combat Infantry Badge and the Ranger Tab. General Bunting spent one year at the U.S. Naval War College as a professor and acting head of the Department of Strategy. During that year, he also finished the last year of a three-year fellowship in the Department of History at Columbia University before being named President of Briarcliff College, a women's college in New York. Following his four-year tenure at Briarcliff, he served for ten years as the President of Hampden Sydney College and then as the Headmaster at Lawrenceville School, a prestigious independent boarding school near Princeton, New Jersey. In 1995, after eight years at Lawrenceville, he was appointed a Major General in the Virginia Militia and the thirteenth Superintendent at Virginia Military Institute. Lieutenant General (Ret.) Bunting is also an accomplished author and has been published many times.

Anita Carpenter

Anita Carpenter has been the CEO of the Indiana Coalition Against Sexual Assault, Inc. During her tenure at the Coalition, she successfully created the first homeless youth and sexual violence campaign to reach at-risk and homeless youth. She has been instrumental in establishing standards for sexual assault victim advocates, and currently is working with the State Legislators to pass a bill that would provide certification for advocates throughout the State of Indiana. In 2002, Ms. Carpenter worked with a committee of grassroots programs to complete the State Sexual Assault Plan for Indiana. She has a bachelor's degree in Political Science from Rhodes College in Memphis, Tennessee, and currently is working towards earning her Master's Degree in Arts in Sociology from the Crisis Prevention Institute. Ms. Carpenter's experience includes serving as the Executive Director for a residential treatment program for victims of domestic violence, the Human Resources Director for a rehabilitation facility for disabled adults and children, a Pre-Trial Release Counselor for the Federal Bureau of Prisons, a Consultant to the State of Indiana on Domestic Violence and a Crime Analyst for law enforcement.

Laura L. Miller, Ph.D.

Laura L. Miller, Ph.D. is a Social Scientist at the RAND Corporation in Santa Monica, California. She received her Bachelor's Degree in European and Soviet Studies from the University of Redlands in 1989 and her Ph.D. in Sociology at Northwestern in 1995. She held a Post-Doctoral Fellowship for two years at the John M. Olin Institute for Strategic Studies at Harvard, and from 1997-2000 was an Assistant Professor of Sociology at UCLA. Dr. Miller has written numerous publications in the field of military sociology. Her article, "Not Just Weapons of the Weak: Gender Harassment as a Form of Protest for Army Men," (*Social Psychology Quarterly*, March 1997) won the Distinguished Article Award from the Sex and Gender Section of the American Sociological Association. She served as a consultant for the Secretary of Army's Senior Review Panel on Sexual Harassment in 1997, and for the Congressional Commission on Military Training and Gender-Related Issues in 1998-1999. Dr. Miller has conducted research with military personnel located in stateside bases and deployed in Somalia, Haiti, Macedonia, Germany, Hungary, Bosnia and Korea. Dr. Miller currently serves on the Army Science Board, the Board of Directors for the Center for the Study of Sexual Minorities in the Military and the Executive Council of the Inter-University Seminar on Armed Forces & Society.

Major General Michael J. Nardotti, Jr. (Ret.)

Major General (Retired) Michael J. Nardotti, Jr., graduated from the United States Military Academy, West Point (B.S., 1969), where he was a Cadet Regimental Commander, the Secretary of the Honor Committee, and an All-American wrestler. He was commissioned in the Infantry, successfully completed Airborne and Ranger training, and later served with the 1st Cavalry Division in Vietnam, where he was wounded in action. He subsequently earned his law degree from Fordham University (J.D., 1976) in New York City. He then served in numerous assignments as a Judge Advocate in Europe and the United States, concluding his 28 years of service as The Judge Advocate General, the senior military lawyer in the Army, from 1993 to 1997. His military awards and decorations include the Distinguished Service Medal, the Silver Star, the Bronze Star, the Purple Heart, and the Combat Infantryman's Badge. He joined the law firm of Patton Boggs LLP in 1997 as a Partner and has concentrated his practice in civil litigation, government contracts, and defense and national security matters. General Nardotti is a member of the District of Columbia and New York Bars and is admitted to practice before the U.S. Supreme Court and various federal courts of appeal and district courts. He also serves on the boards and advisory committees of several charitable and public service organizations in the National Capitol Region.

Colonel John W. Ripley (Ret.)

Colonel John W. Ripley (Ret.) graduated from Naval Academy with a Bachelor's of Science degree in electrical engineering and was commissioned a Second Lieutenant in the United States Marine Corps. Colonel Ripley served on active duty in the Marine Corps for 35 years, including two tours in Vietnam. Among his assignments were Sea Duty on the USS Independence; service with 2nd Battalion, 2nd Marines; 3rd Battalion, 3rd Marines (Vietnam); Headquarters, Marine Corps; Exchange Officer to the British Royal Marines; 3rd Commando Brigade (Singapore); Senior Advisor to the 3rd Vietnamese Marine Battalion; Marine Officer Instructor at Oregon State University; Administrative Assistant/Aide to the Chief of Staff (HQMC); Command of 1st Battalion 2nd Marines; the US Naval Academy; Command of 2nd Marine Regiment; and Command of the Navy-Marine Corps ROTC at Virginia Military Institute. His schooling includes the Marine Basic School, the Naval War College, Airborne, Scuba, Ranger, Jumpmaster, Amphibious Warfare, Mountain and Artic Warfare Course and the Joint Warfare Course (Old Sarum, England). He holds a Master of Science degree from American University. Colonel Ripley's awards include the Navy Cross, the Silver Star, the Legion of Merit (2nd award), two awards of the Bronze Star with Combat "V", the Purple Heart, the Defense Meritorious Service Medal, the Navy Commendation Medal, the Presidential Unit Citation, the Navy Unit Citation, the Combat Action Ribbon, the Vietnam Distinguished Service Order, and the Vietnam Cross of Gallantry with Gold Star. Following his retirement in 1992, Colonel Ripley has served as the president of Southern Virginia College, the President of Hargrave Military Academy and currently serves as the Director of Marine Corps History and Museum and the Director of the Marine Corps Historical Center.

Sally L. Satel, M.D.

Sally L. Satel, M.D., is a graduate of Cornell University (B.S.), the University of Chicago (M.S.) and Brown University (M.D.). From 1988-1995, Dr. Satel taught as an assistant professor of Psychiatry at the Yale University School of Medicine. In 1996, she was asked to serve the U.S. Senate as a professional staff member on the Committee on Veteran's Affairs. Dr. Satel is a practicing psychiatrist, a lecturer at Yale University School of Medicine and a resident scholar at the American Enterprise Institute. Her articles have been published in *The New Republic*, the *Wall Street Journal*, and the *New York Times*. In 2000, Dr. Satel released her book titled, *PC & M.D., How Political Corruptness is Corrupting Medicine*. Dr. Satel is currently a staff psychiatrist at the Oasis Drug Treatment Clinic in Washington, D.C.

Panel Staff

Professional Staff

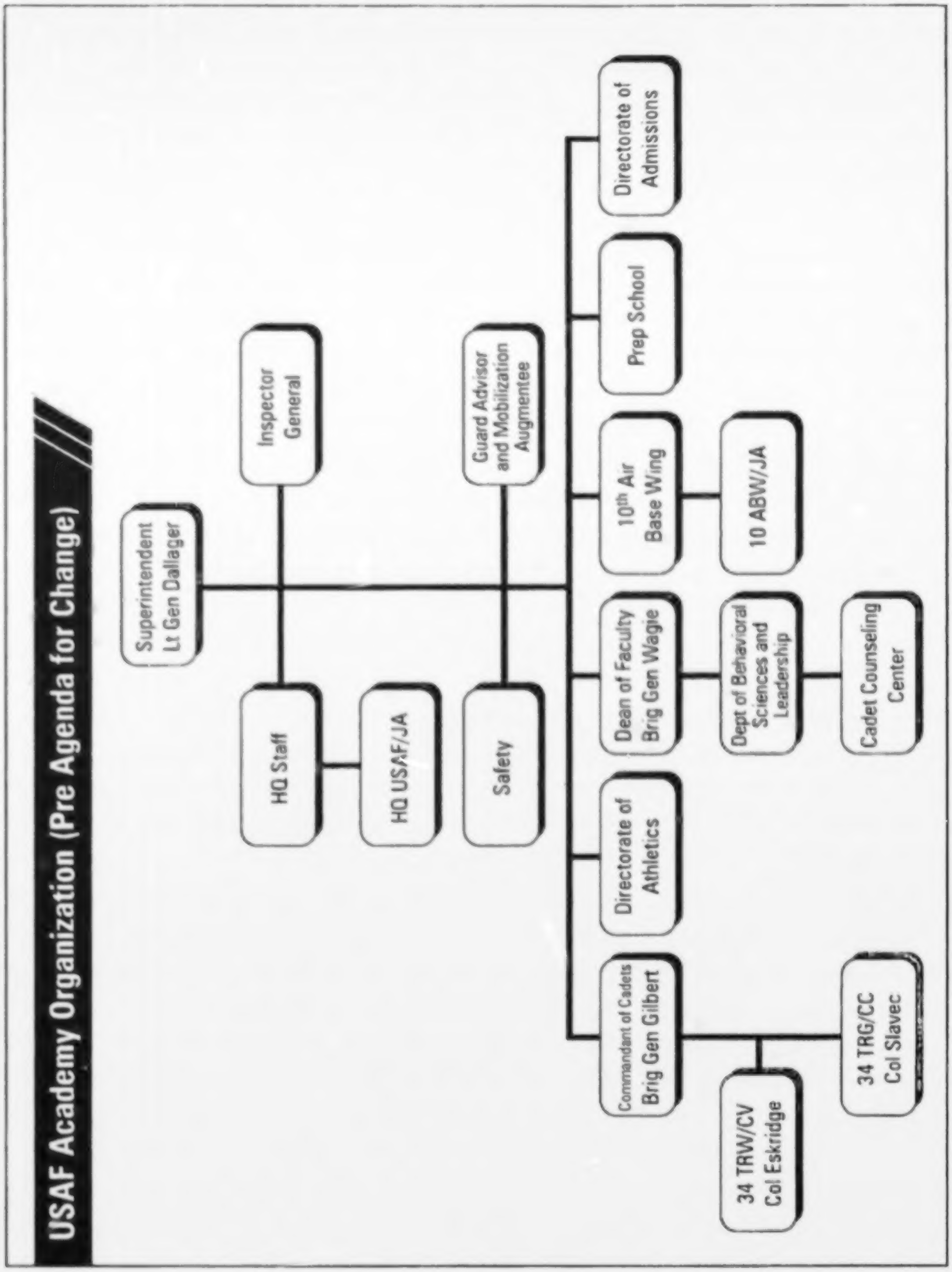
John P. Rowley III, Staff Director
  Partner, Holland & Knight LLP
Sheila M. Earle, Designated Federal Official
  Acting Principal Director, DUSD (Military Personnel Policy)
Christina M. Burmeister
Michelle E. Crawford, MAJ, JA, USA
Pamela A. Holden, CDR, JAGC, USN
Hillary A. Jaffe
Richard G. Moore
Robert E. Reed
Jonathan J. Skladany
Donald J. Wheeler

Public Affairs

R. Thomas Alexander
Michelle Shortencarrier

Administrative Staff

Ryan E. Alvis
Brandi M. Henry, SSG, USA
Myrtle E. Johnson


USAF Academy Organization (Pre Agenda for Change)
Superintendent
Lt Gen Dallager
Inspector General
HQ Staff
HQ USAF/JA
Guard Advisor and Mobilization Augmentee
Safety
Directorate of Admissions
Prep School
10th Air Base Wing
10 ABW/JA
Dean of Faculty
Brig Gen Wagie
Dept of Behavioral Sciences and Leadership
Cadet Counseling Center
Directorate of Athletics
Commandant of Cadets
Brig Gen Gilbert
34 TRW/CV
Col Eskridge
34 TRG/CC
Col Slavec

APPENDIX E

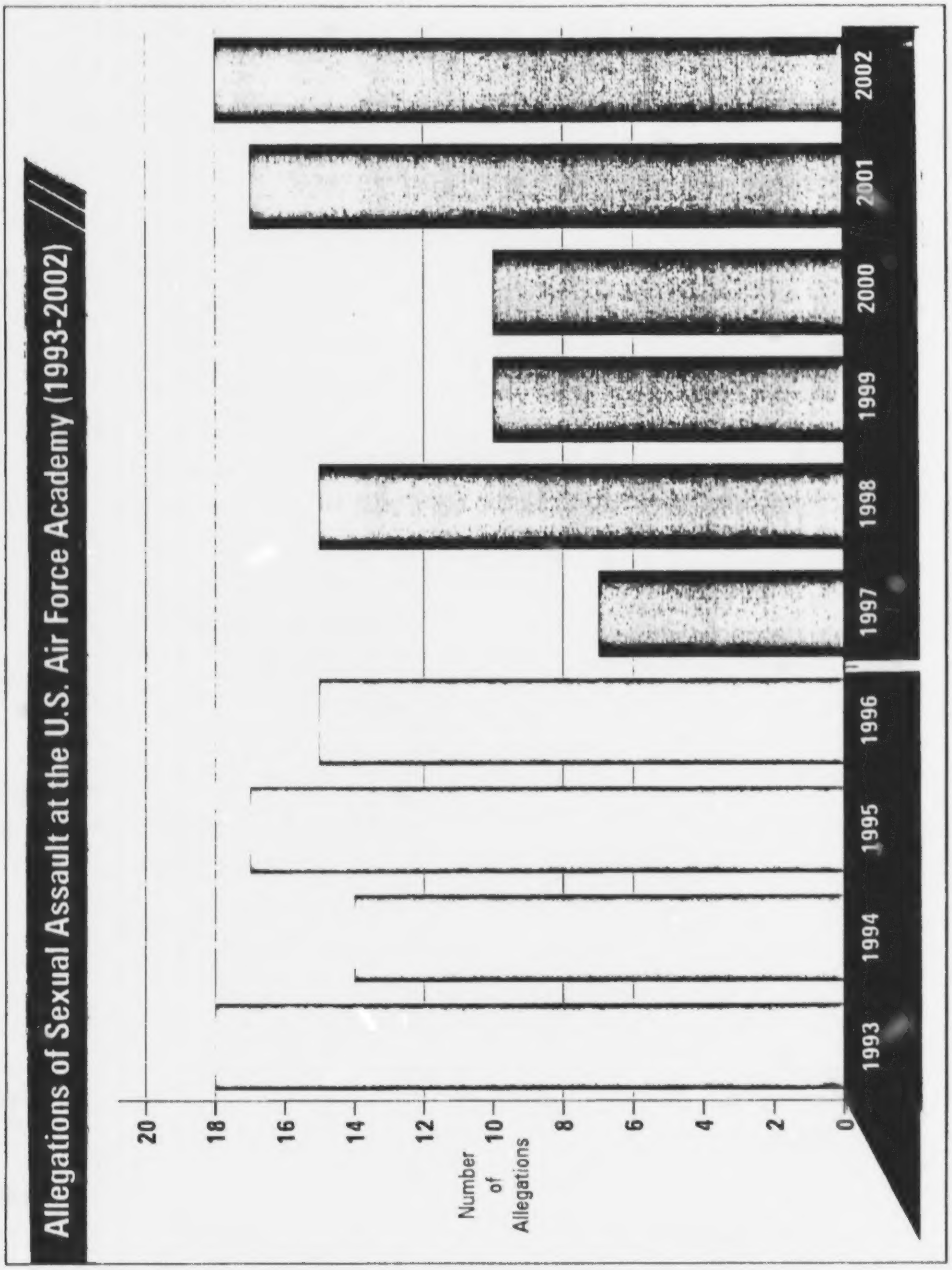
Leadership Positions at the Academy Prior to the *Agenda for Change*

BEST COPY AVAILABLE

Names and Roles of Individuals Discussed in Report

Allard, Wayne	U.S. Senator (R-CO)
Anderson, Lt. Gen. Edgar R.	Former Air Force Surgeon General
At Lee, William K.	Air Force Deputy General Counsel (National Security and Military Affairs)
Barnidge, Maj. Gen. Leroy Jr.	Former Director, Legislative Liaison, Office of the Secretary of the Air Force
Bier, Jennifer	TESSA
Carpenter, Anita M.	Panel member
Craven, Kelly F.	Deputy Assistant Secretary of the Air Force for Management and Personnel
Dallager, Lt. Gen. John R.	Former Superintendent, USAFA
Delaney, Dr. Lawrence J.	Former Acting Air Force Secretary
Dominguez, Michael L.	Assistant Secretary of the Air Force for Manpower and Reserve Affairs
Donley, Michael B.	Former Acting Air Force Secretary
Eskridge, Col. Robert D.	Former Vice Commandant, USAFA
Fogleman, Gen. Ronald R.	Former Chief of Staff, USAF
Fowler, Tillie K.	Former Congresswoman, Panel Chairman
Gilbert, Brig. Gen. S. Taco III	Former Commandant of Cadets, USAFA
Gray, Col. Debra D.	Vice Commandant of Cadets, USAFA
Guzman, Lt. Col. Alma, USAF (Ret.)	Victim Advocate Coordinator, USAFA
Hall, Lt. Col. Molly	Chief of Psychiatry at Andrews Air Force Base and psychiatric consultant to the Air Force Surgeon General
Hansen, L. Jerry	Department of Defense Deputy Inspector General for Inspection and Policy
Hawley, Maj. Gen. Bryan	Former Judge Advocate General of the Air Force
Hefley, Joel	U.S. Representative (R-CO); Vice-Chair, Acting Chairman of Board of Visitors, USAFA
Hoffman, Brig. Gen. Robert A.	Former Commander of AFOSI
Hopper, Maj. Gen. John D. Jr.	Former Commandant of Cadets, USAFA
Hosmer, Lt. Gen. Bradley C. USAF (Ret.)	Former Superintendent, USAFA
Huot, Lt. Gen. Raymond P.	Air Force Inspector General
Jackson, Lt. Col. Robert J.	Head, Behavioral Science Department, USAFA
Johnson, Jeh	Former Air Force General Counsel
Jumper, Gen. John P.	Air Force Chief of Staff
Kehoe, Lt. Gen. Nicholas B.	Former Air Force Inspector General
Kerr, Janet	TESSA
McPeak, Gen. Merrill A.	Former Chief of Staff, USAF; Former Acting Air Force Secretary
Miller, Laura L., Ph.D.	Panel member
Oelstrom, Lt. Gen. Tad J.	Former Superintendent, USAFA

Pamerlau, Maj. Gen. Susan L. USAF (Ret.)	Former Commander, Air Force Personnel Force Management
Peters, F. Whitten	Former Acting Air Force Secretary
Roadman, Maj. Gen. Charles H.	Former Air Force Surgeon General
Roche, James G.	Air Force Secretary
Rosa, Lt. Gen. John W.	Superintendent, USAFA
Rumsfeld, Donald	Secretary of Defense
Ryan, Gen. Michael E.	Former Air Force Chief of Staff
Schmitz, Joseph E.	Department of Defense Inspector General
Slavec, Col. Laurie S.	Former 34th Training Wing Commander, USAFA
Spencer, Col. James W.	Director of Plans & Programs, USAFA
Stein, Lt. Gen. Paul E.	Former Superintendent, USAFA
Swope, Lt. Gen. Richard T.	Former Air Force Inspector General
Taylor, Brig. Gen. Francis X.	Former Commander, Headquarters AFOSI
Wagie, Brig. Gen. David A.	Dean of Faculty, USAFA
Walker, Mary L.	Air Force General Counsel
Weida, Brig. Gen. Johnny A.	Commandant of Cadets; Former Acting Superintendent, USAFA
Welsh, Brig. Gen. Mark A. III	Former Commandant of Cadets, USAFA
Widnall, Sheila E.	Former Air Force Secretary



Source: Allegations of Sexual Assault (Calendar Year of Incident) (Including Allegations. Regardless of Substantiation) *Working Group Report,* at 71.

APPENDIX G

Alleged Sexual Assaults Made by Cadets at the Academy Each Year, 1992–2003

BEST COPY AVAILABLE

Air Force and Air Force Academy Leadership (1993 - Present)

Air Force Secretaries

Michael B. Donley (Acting)	Jan 1993 - July 1993
General Merrill A. McPeak (Acting)	July 1993 - Aug 1993
Sheila E. Widnall	Aug 1993 - Oct 1997
F. Whitten Peters	Nov 1997 - Jan 2001
Dr. Lawrence J. Delaney (Acting)	Jan 2001 - May 2001
Dr. James G. Roche	June 2001 - Present

Air Force Chiefs of Staff

General Merrill A. McPeak	Oct 1990 - Oct 1994
General Ronald R. Fogleman	Oct 1994 - Sept 1997
General Michael E. Ryan	Nov 1997 - Sept 2001
General John P. Jumper	Sept 2001 - Present

Academy Superintendents

Lieutenant General Bradley C. Hosmer	June 1991 - July 1994
Lieutenant General Paul E. Stein	July 1994 - Aug 1997
Lieutenant General Tad J. Oelstrom	Aug 1997 - June 2000
Lieutenant General John R. Dallager	June 2000 - April 2003
Brigadier General Johnny A. Weida (Acting)	April 2003 - July 2003
Lieutenant General John W. Rosa	July 2003 - Present

Academy Commandants of Cadets

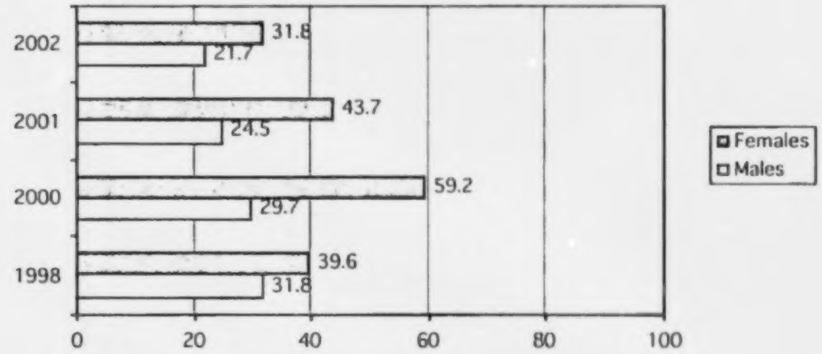
Major General Patrick K. Gamble	June 1993 - Nov 1994
Brigadier General John D. Hopper, Jr.	Nov 1994 - July 1996
Brigadier General Stephen R. Lorenz	Aug 1996 - June 1999
Brigadier General Mark A. Welsh III	June 1999 - Aug 2001
Brigadier General S. Taco Gilbert III	Aug 2002 - April 2003
Brigadier General Johnny A. Weida	April 2003 - Present

APPENDIX H

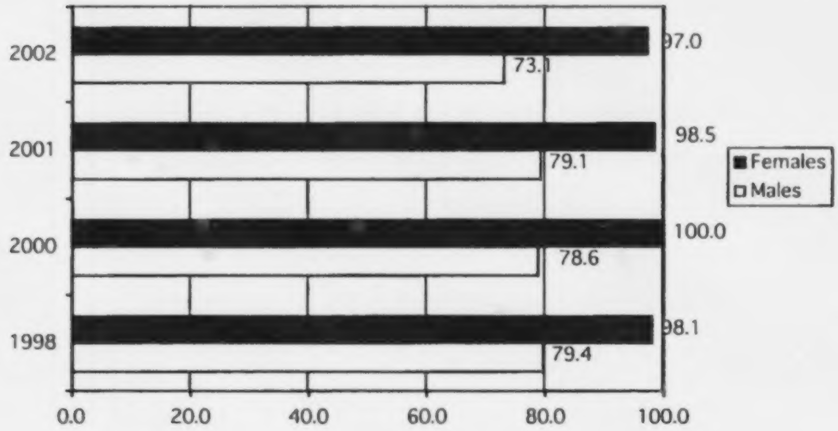
Air Force Secretaries, Chiefs of Staff, and Academy Superintendents and Commandants of Cadets from 1993–2003

BEST COPY AVAILABLE

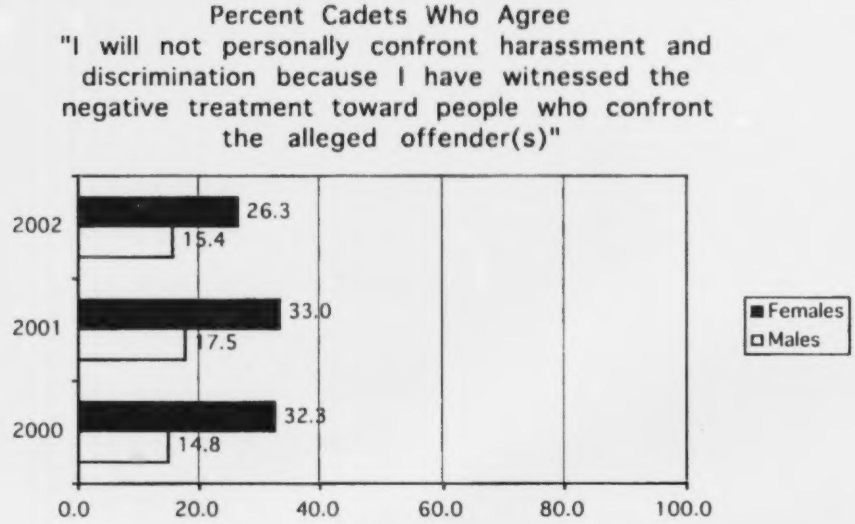
Percent Cadets Who Agree
"I would not report harassment or discrimination because I believe I would be ostracized by my squadron mates"



Percent Cadets Who Agree that
"Women belong at the USAFA"

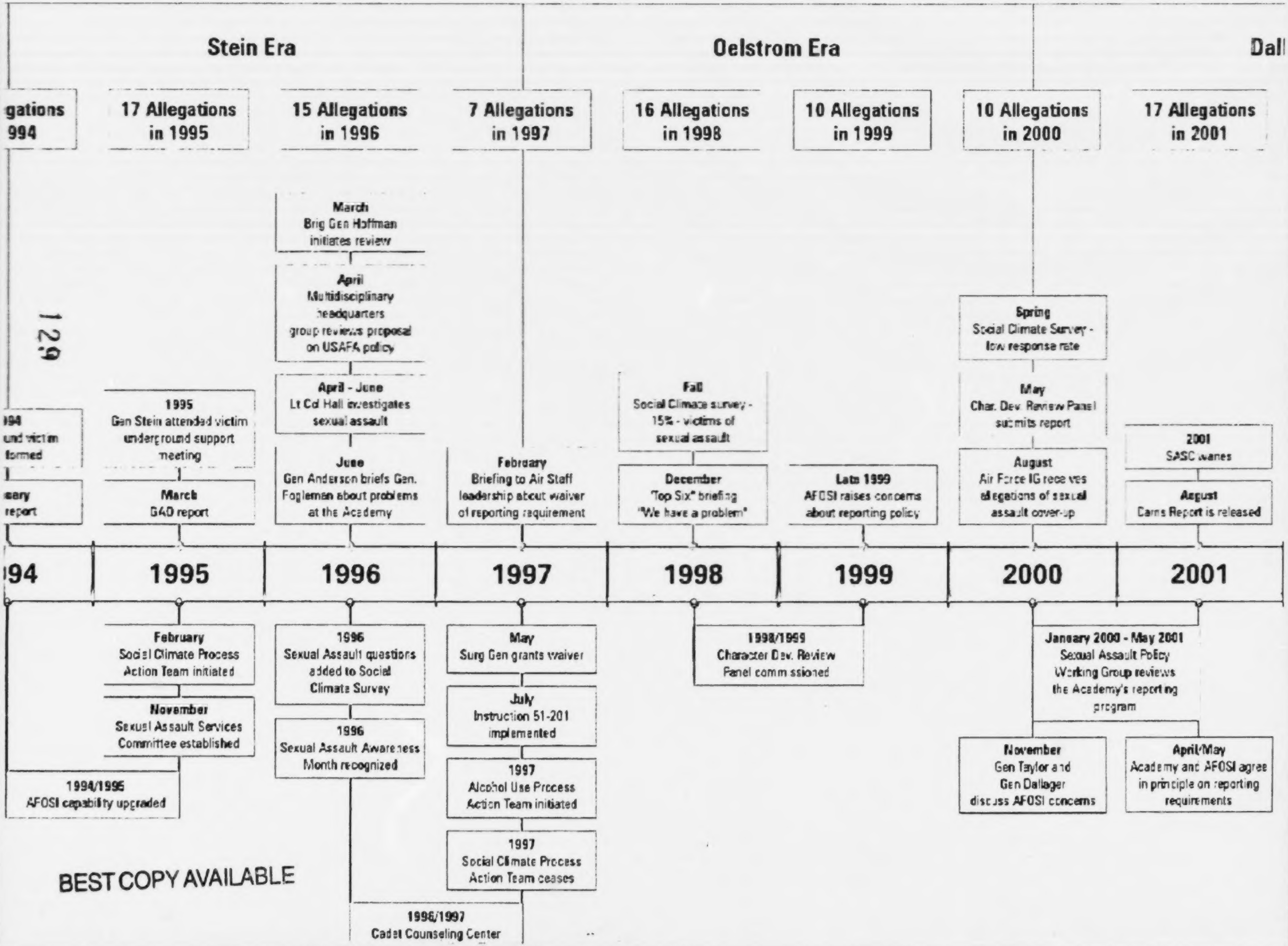


Source: Social Climate Survey Data Provided by USAFA Department of Behavioral Sciences and Leadership. Graphs Prepared by Laura L. Miller, Ph.D. (Panel Member)
Sample: 287 men, 53 women in 1998; 243m and 71 in 2000; 1722m and 375w in 2001; 1580m and 369w in 2002.



Percent Cadets Who Agree
"I will not personally confront harassment and discrimination because I have witnessed the negative treatment toward people who confront the alleged offender(s)"

Source: USAFA Department of Behavioral Sciences and Leadership
Sample: Not asked in 1998; 243m and 71w in 2000; 1722m and 375w in 2001; 1580m and 369w in 2002.


Stein Era
Oelstrom Era
Dall
gations
994
17 Allegations in 1995
15 Allegations in 1996
7 Allegations in 1997
16 Allegations in 1998
10 Allegations in 1999
10 Allegations in 2000
17 Allegations in 2001
194 und victim formed
sary report
1995 Gen Stein attended victim underground support meeting
March GAO report
March Brig Gen Hoffman initiates review
April Multidisciplinary headquarters group reviews proposal on USAFA policy
April - June Lt Col Hall investigates sexual assault
June Gen Anderson briefs Gen. Fogleman about problems at the Academy
February Briefing to Air Staff leadership about waiver of reporting requirement
Fall Social Climate survey - 15% - victims of sexual assault
December "Top Six" briefing "We have a problem"
Late 1999 AFOSI raises concerns about reporting policy
Spring Social Climate Survey - low response rate
May Char. Dev. Review Panel submits report
August Air Force IG receives allegations of sexual assault cover-up
2001 SASC wanes
August Carns Report is released
94
1995
1996
1997
1998
1999
2000
2001
February Social Climate Process Action Team initiated
November Sexual Assault Services Committee established
1994/1995 AFOSI capability upgraded
1996 Sexual Assault questions added to Social Climate Survey
1996 Sexual Assault Awareness Month recognized
1996/1997 Cadet Counseling Center
May Surg Gen grants waiver
July Instruction 51-201 implemented
1997 Alcohol Use Process Action Team initiated
1997 Social Climate Process Action Team ceases
1998/1999 Character Dev. Review Panel commissioned
January 2000 - May 2001 Sexual Assault Policy Working Group reviews the Academy's reporting program
November Gen Taylor and Gen Dallager discuss AFOSI concerns
April/May Academy and AFOSI agree in principle on reporting requirements

BEST COPY AVAILABLE

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

NOTICE

Reproduction Basis

☒ This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

☐ This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").

EFF-089 (1/2003)